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FSULAW

THE MAGAZINE OF THE FLORIDA STATE UNIVERSITY COLLEGE OF LAW

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- ▶ Professor Jarret Oeltjen has become the nation's leading legal expert on the profession of pawn-brokering, page 14
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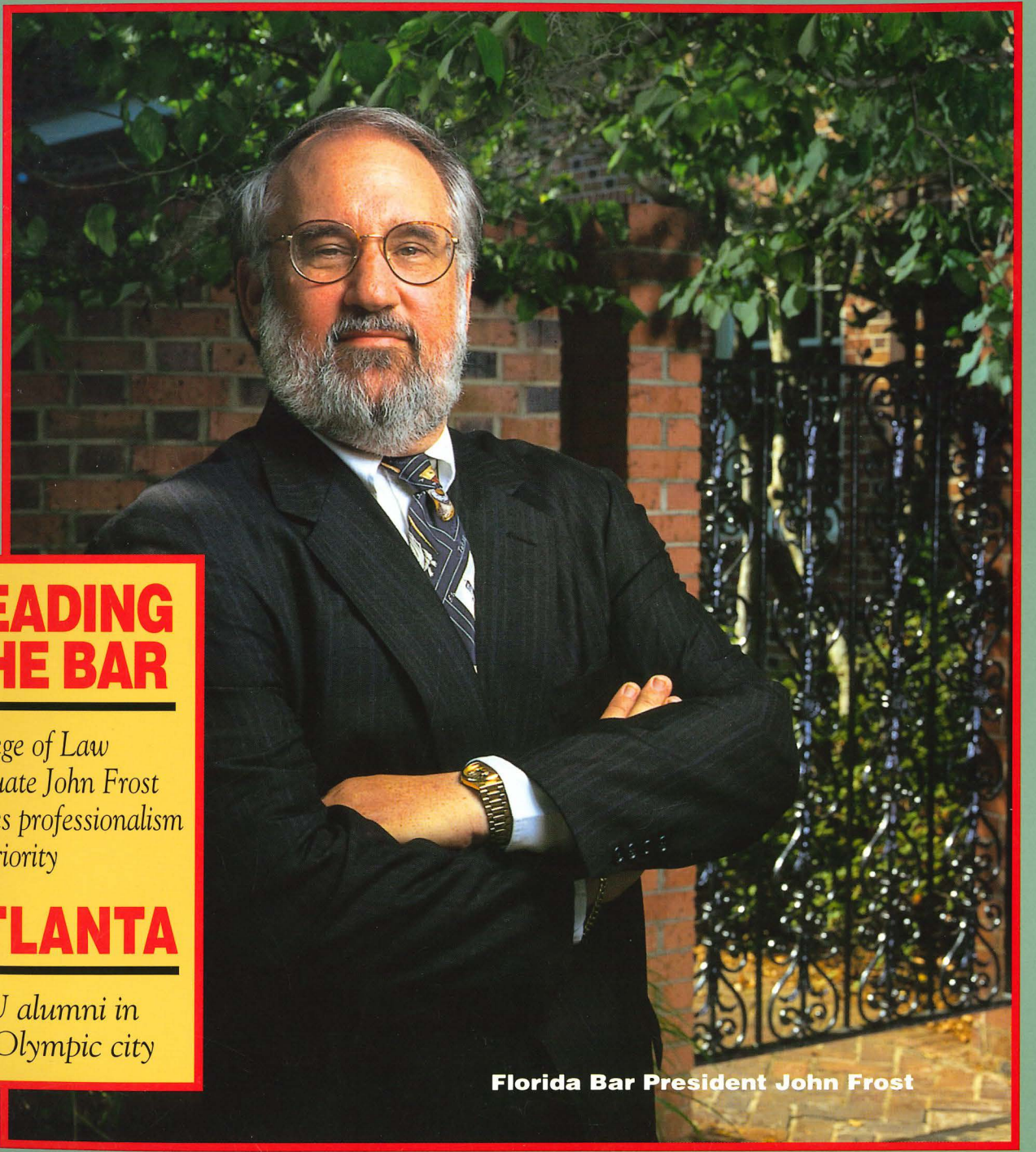


Making it in Atlanta: Persistence pays off for recent graduates who had their hearts set on working in the Olympic city, page 6

FSULAW

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FLORIDA STATE UNIVERSITY
TALLAHASSEE, FL 32306-1034

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LEADING THE BAR

College of Law graduate John Frost makes professionalism his priority

ATLANTA

FSU alumni in the Olympic city

Florida Bar President John Frost

Dean's Letter

Helping students and raising our standards

This has been an outstanding academic year, in no small part because of your support of the law school. Our alumni add energy and excitement to every aspect of our program, from helping us to attract top applicants to serving as moot court or mock trial judges or as guest lecturers.

I now ask your help on a critical issue—placement. There is no issue more important to our students and to the future of our law school than helping to launch the careers of our students. It is urgent that a significant number of alumni agree to counsel with students as they seek jobs. You in the world of law practice, business and government are better able to give students practical career advice than we in the academy. You are also better able to advise students who are interested in locating in your specific communities.

We are not asking you to commit to hire anyone. We are asking you to be willing to spend at least a few moments talking with students who call with questions about seeking employment either in your geographic area or in your area of legal practice. If a large number of alumni agree to be mentors, the actual imposition of time on any particular alum will be very slight.

We are about to publish the second edition of our Placement Mentors Directory, which has been a smash hit with some of our students. In this Directory, we list the names and addresses of alumni who have indicated a willingness to counsel students as they seek to begin their careers. The Directory lists the alumni Mentors by name, by area of legal specialty, and by location.

If you are willing to be listed in the Placement Mentors Directory, please fill out the self-addressed business reply card that is inserted in this issue of *FSULaw* and put it in the mail. If you have any questions about the program, please do not hesitate to contact Barbara Robinson, our Director of Career Placement, or me. I hope you will sign up to stand ready to help our students!



Quality Control

This academic year, the faculty took a number of steps to strengthen the quality of our academic program. In an attempt to strengthen the performance of our graduates on the Florida

Bar Exam, the faculty have tightened a number of existing rules that affect student performance. Students now must retake required courses until they pass them. The faculty also adopted a stricter attendance rule that requires students to be present and prepared. Second- and third-year students will no longer be permitted to withdraw from courses after the fifth week of class. The mandatory grade curve was made more strict at the bottom end, and students with low grade point averages are now more limited in the number of courses they will be permitted to take on a pass/fail basis. Finally, the faculty have required students to affirm that they will not work more than 20 hours a week outside the law school.

The faculty also undertook a number of steps to stimulate faculty teaching and scholarship. Most significantly, for the first time this year, the College of Law Promotion and Tenure Committee conducted peer reviews of faculty other than those who are up for consideration for promotion or tenure. This involved extensive class visitations, both by Promotion and Tenure Committee members and by other faculty enlisted for this purpose. It has also involved the careful reading of manuscripts. The new peer review process has been a massive undertaking, but our entire community is stronger because of it.

In short, we on the faculty are making a maximum effort to deliver a top quality program for the benefit of our students, our alumni, and the taxpayers of Florida. We are extremely grateful to you for your support of our efforts.

A handwritten signature in dark ink that reads "Donald J. Weidner". The signature is written in a cursive, slightly slanted style.

DONALD J. WEIDNER, DEAN, COLLEGE OF LAW



About the Cover: John Frost, a graduate of the law school's first class, takes the reins of The Florida Bar. He says that improving professionalism will be the cornerstone of his presidency.

**THE MAGAZINE OF THE FLORIDA
STATE UNIVERSITY COLLEGE OF LAW**

DEAN

Donald J. Weidner

**ASSOCIATE DEAN FOR
ACADEMIC AFFAIRS**

Donna R. Christie

**ASSOCIATE DEAN FOR
STUDENT AFFAIRS**

Ruth A. Witherspoon

EDITOR

David M. Morrill

CONTRIBUTORS

Margaret Barlow

Ashley Frost

Cathy Butler

PHOTOGRAPHY

FSU Photo Services

Ray Stanyard

Carolyn Foster Assoc.

GRAPHIC DESIGN

Robert Celander

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FSULAW

THE MAGAZINE OF
THE FLORIDA STATE
UNIVERSITY COLLEGE
OF LAW

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Frost has devoted much of his career to public service, focusing his attention on Bar activities aimed at improving the conduct of the legal profession. He confers with Tampa attorney Ben Hill at a recent meeting.



Over the years, the Bartow firm, which specializes in plaintiff personal injury and commercial litigation, has grown to eight attorneys and expanded its name to Frost, O'Toole & Saunders.

Like many law students in the late sixties and early seventies, Frost came to law school in search of a more challenging and fulfilling career. He ended up at FSU by happenstance. "Honestly, the major factor in my coming to FSU was my wife, Terry," Frost says. "It was largely a case of circumstances working out," he says. "Looking back, I realize my good fortune."

After graduating from the University of Florida in 1964 with a degree in advertising, Frost joined Cities Services Oil Company (later Citgo) and was assigned to their management training program in Ft. Lauderdale. "I had thought about law school off and on, and when I found the job at Cities Services unchallenging, I thought about it more and more," he says.

Terry Frost, who was working as women's editor of the Broward County edition of *Miami Herald*, asked her bosses if they would transfer her to Knight's (the *Herald's* parent company) newly acquired *Tallahassee Democrat*. They agreed and Terry became the *Democrat's* education writer, covering the Legislature and on-campus news.

While he was in law school, Frost began to exhibit his gift for leadership. He was chosen by Dean Mason Ladd to serve on the first FSU moot court team and was elected president of the law school student body.

Frost is the first to admit that it is a vastly different world for those entering the legal trade today than it was when he went into practice 27 years ago. "There's no doubt it's harder today," he says. "There are more people looking for work and there aren't enough positions available. Back then, just about anyone with a law degree who wanted to practice could find work."

One of Frost's major concerns is the breakdown of the traditional system under which new lawyers learned the rules of the profession. "The mentoring process that I benefitted from is almost a thing of the past," says Frost. "It's a casualty of economic demands. And it's a shame." Frost sees a vicious cycle developing in which law firms lack the resources to properly train new lawyers in basic lawyering skills, and professionalism suffers as a result: "We're seeing a large number of complaints against young lawyers, and that number is growing."

Justice Grimes agrees, adding, "What scares me is that I don't believe a lot of young lawyers know any better. An awful lot of them were never taught that Rambo tactics are not acceptable behavior in the legal profession."

Like many attorneys, Frost worries that the state's law schools—both public and private—are producing too many lawyers for the profession to absorb. "I think law schools need to share this burden to the

“Practice law with civility and honor and we will again be known as part of an honorable profession.**”**

extent that they accept the responsibility of making sure students know what they're getting into. They should ask students, 'Do you know what the job market is for lawyers? Do you know how tough it is out there?' If the law schools make a full and fair disclosure, then the student can make an educated choice."

Frost suggests that law schools increase efforts to point out alternative careers to law students. "A legal education is valuable in itself. It teaches you how to think and how to analyze. It teaches you how to accomplish things," he says, adding, "As an example, I recommend a legal education to someone interested in going into business."

E

For those who still want to make the law their profession, Frost insists that the time-proven formula for becoming an effective lawyer has changed little over the years. In the commencement address he delivered to the December 1995 graduation class of the College of Law, he offered the simple advice, "Act on your beliefs. Share your strengths. Be honest about your limitations." Above all, he says, be yourself.

Stressing his call for a higher level of professionalism, Frost also charged the graduates to "Practice law with civility and honor and we will again be known as a part of an honorable profession." (See the complete text of Frost's speech, pages 32-33.)

In addition to campaigning for increased professionalism, Frost is leading The Bar in battling fellow attorneys who want to see

Florida Supreme Court Justice Stephen Grimes, was John Frost's 'mentor' 27 years ago in the litigation department of Holland & Knight in Bartow.

“I think being a lawyer is one of the greatest jobs in the world. I love this profession...**”**

Florida's integrated Bar, established in 1949, abolished. Although recent legislative efforts failed to shift oversight of the organization from the Supreme Court and strip The Bar of its quasi-governmental status, Frost thinks they will continue. The dissident Attorneys' Bar Association insists that attorneys should be regulated by the state in the same fashion as doctors, accountants and other professionals.

Frost disagrees, insisting The Bar will fight efforts to fundamentally change the system. "Our Constitution says that the Supreme Court has exclusive jurisdiction over regulation, admission and discipline of lawyers. Lawyers are officers of the court and as such should not be regulated by the legislative branch of government," Frost says, conceding that it is an issue that can put him on the soap box in a hurry.

As for the challenge to The Bar's authority to collect dues, Frost says that power is inherent in the original Supreme Court order establishing an integrated Bar. "The court made it clear that the authority to regulate also provides the authority to raise funds to carry out that regulation," he says.

As Bar president, Frost also will be focusing on unlicensed practice of law. The Bar

has established a task force to make recommendations about how to control and monitor unlicensed practice.

Frost and other Bar officers are keeping a wary eye on the budget-cutting fervor that has characterized national politics in recent years. Reductions in federal programs that provide legal assistance to the indigent are particularly worrisome. He bristles when he hears politicians suggest that lawyers pick up, on a pro bono basis, cases the government decides it can no longer afford. "I believe every lawyer has an obligation to do pro bono work. It comes with the territory, and it's some of the most rewarding work you'll ever do," says Frost. "On the other hand, given our constitutional rights and our way of life, I think society has to bear its fair share of the responsibility. There is simply a limit to what lawyers can do." Cuts to one program, a legal services grant that pays out-of-pocket expenses to lawyers who volunteer to represent death row inmates, exemplifies the problem for Frost. "If the people have decided they want the death penalty, they have to be willing to pay the price."

Although finding solutions to the legal profession's problems won't be easy, Frost

“When I started practicing, if you did something out of line in the courtroom, the judge was likely to invite you into the hallway to talk about it. I think trial judges need to take more control of their courtrooms.**”**



says he is honored to have been given the opportunity to try. "Above everything else, there are two messages I intend to deliver to members of The Bar," says Frost. "If we follow them, we will be well on our way to recovering the respect of the community and our own self-respect." The suggestions: "Apply the golden rule to everything we do, treating others only in ways we want to be treated in return" and, "make a point to give back more to the profession than we take."

I

In 1993 Frost showed his appreciation to his alma mater when he became the first College of Law alumnus to establish a professorship at the law school. The John W. and Ashley E. Frost Professorship in Law, is co-named for Frost's daughter, a 1994 FSU law graduate who serves as the College's assistant director of development and alumni affairs. When he announced the gift, Frost explained, "The law school gave me the support and training to do something I really enjoy, which is practicing law. I'm proud to be a lawyer and I enjoy going to work each day. I feel I have an obligation to the institution that gave me that opportunity." ♦

Phyllis Williams, Janyce Dawkins and Jill Boyd reflect the enthusiasm of many young Atlanta lawyers.



ATLANTA

FSU LAW GRADUATES ARE A GROWING PRESENCE IN THE HOST CITY OF THE 1996 SUMMER OLYMPICS. STARTING OUT HERE IS NOT ALWAYS EASY, BUT THOSE WHO HAVE SAY IT'S WORTH THE EFFORT.

After Atlanta won the right to host the 1996 Summer Olympic Games, *Business Week* magazine called the city "a national mecca for young professionals." This is hardly news to graduates of Tallahassee's two universities, who have long noted the abundance of career opportunities and Atlanta's dynamic, youthful vibrancy. Alumni data show that Atlanta is far and away the favorite out-of-state destination of FSU graduates during the last 20 years.

Until recently, though, the College of Law has been underrepresented among FSU graduates living in the Atlanta area. By all indications, things are changing. "Florida State has had a strong presence here for a long time," says Ben Rogers, a 1992 law school graduate. "You see a lot of FSU license plates and tee-shirts, and you meet a lot of people who are graduates, but until recently, few of them were from the law school," he says. "The number is starting to increase." At the beginning of 1996, there were 57 College of Law graduates in the greater Atlanta area.

Breaking into the Atlanta legal job market has been difficult for several reasons. There are obvious ones, according to graduates who work here, such as adjusting to an out-of-state Bar and the inclination of local firms to hire from in-state law schools. Graduates of the University of Georgia, Emory and Georgia State, understandably, get first dibs. Then there's the fact that the large national firms based in Atlanta traditionally recruit from Ivy League schools and such prominent state-supported law schools as the universities of Virginia and North Carolina.

Compounding the difficulty is that Atlanta, like the rest of the country, has seen the marketplace for lawyers tighten in recent years. "The job situation here is not what it was in the 1980s," says Bill Cohen, head of the corporate and tax department for Robins, Kaplan, Miller & Ciresi. "It can be tough for a new lawyer to break in." Adds Rogers, "Because a lot of firms aren't hiring, you've got to work extra hard to break in."

Thomas Gaines '86, an intellectual property lawyer with King & Spalding agrees, noting that, also because of the depressed job market, salaries are not rising. "Starting

pay at the big firms has been flat for about five years," he says, and figuring for inflation, salaries have actually declined.

FSU graduates in Atlanta follow these cautionary notes with another point: if you really want to practice law in Atlanta, and are willing to make a commitment to the effort, you'll find career opportunities here.

Jill Boyd '92, general counsel and lobbyist for a Georgia education association, knew before she graduated that she wanted to live and work in Atlanta. "I knocked on a lot of doors and had a lot of interviews," she says, before landing a job with a small labor law firm. A member of a prominent Tallahassee family of lawyers and lobbyists, Boyd allows that she also used the services of Tallahassee lawyers with Atlanta connections to help make contacts. "While I was in law school I worked for Dubey Ausley's firm. He wrote some letters and made phone calls for me." But, concludes Boyd, "There's really no substitute for doing your homework and pounding the pavement."

Janyce Dawkins, a 1994 graduate, suggests that working to raise prospective employers' consciousness about the Col-

lege of Law is another way to help bring more of its graduates to Atlanta. "I've tried to make people aware of such things as the research the faculty are doing in areas employers might be interested in," she says, adding, "When they're aware of the relevance of what's going on at Florida State, I find they'll pay more attention to the graduates."

Phyllis Williams '95 found out in her search for a job that breaking the rules sometimes pays off. When it came to finding a job in Atlanta, she did what she says law students are told *not* to do. "I got on Westlaw, went to the Atlanta insurance and insurance defense section and pulled up over 100 firms," she says. "Then I sent out 50 letters and resumes and got back 48 rejections."

What they advise you in law school, says Williams, is to "go the job fairs and selectively pick firms. Don't go to the database and send out a bunch of resumes." Other two non-rejections, Williams never heard from one. The other was Swift Currie McGhee & Hiers. Following a half-day series of interviews at the firm's offices on Peachtree Road, just north of downtown, Williams received an offer.

Rogers agrees that the extra effort or the "back door" approach, may be what it takes to find a receptive employer. "If you make the effort, people will be receptive," though he admits that recently the amount of effort required has probably gone up. "Even with all the city's growth, firms in Atlanta aren't growing a lot right now. Some are even cutting back. So the tendency is for recruiters not to add new law schools to their recruiting lists. An FSU grad is going to have to work a little harder to get in the door."

Bob Rothman '83 suggests that the time-honored method of getting on with any firm remains landing a summer clerkship. "Students who come to Atlanta looking for jobs, however, must be prepared to convince the law firm that they are serious about working in Atlanta." He adds, "If a firm is going to commit its resources to a clerkship for you, they need to feel fairly confident that, when the time comes, you'll relocate."

The attraction of Atlanta is unmistakable for most young lawyers. "I liked the place from the first time I saw it," says Rogers, who chose to come to Atlanta after interviewing in Orlando and Tampa. "It's a

young, vital place, and it has some of the feel of Tallahassee that my wife and I liked. There is always something to do, and a definite change of seasons."

Several Atlanta lawyers say that their presence gives the law school some recognition and credibility that recent graduates can benefit from. Cohen, whose firm hired an FSU law student this summer, says, "That probably would not have happened if I hadn't graduated there." Other FSU grads, including Rogers and Dawkins, note that recruiters at their firms come to them asking about other FSU grads. Says Rogers, "In effect, we become ambassadors for the law school."

The law school itself is also making efforts to open Atlanta to its graduates. "I give the dean a lot of credit. Don (Weidner) has made a couple of trips up here to host receptions for alumni," says Rothman, who heads the litigation department at Arnall Golden. "I had the opportunity to meet

fellow alumni I didn't know and to get reacquainted with some I had lost contact with." Adds Rothman, "The most interesting thing was finding out that people I had known for years were FSU grads. I had no idea they were."

Gaines concurs with Rothman's assessment that networking among alumni is essential. "If we know each other and stay in touch, we can do more to help younger attorneys who want to move here."

In addition to hosting alumni receptions, the school sponsors recruiting trips during the fall semester. According to Placement Director Barbara Robinson, the project has been fruitful. Although she says some of the four or five students who landed jobs last year made contact through other means, the effort will pay off in the future. "The more contacts we make in Atlanta, the better the chances for our graduates looking for jobs there."

Rothman says one thing is certain: "If law students don't ask for our help, we can't give it." He expressed the sentiment of several alumni, "If you're serious about Atlanta, call one of the FSU lawyers already up here. We'll be happy to talk to you." ♦



Construction projects dot the Atlanta landscape as the city prepares to host the 1996 Olympics.

FOR THREE ALUMS, ATLANTA IS WHERE THEY WANT TO BE

For three recent College of Law graduates there was never any doubt where they wanted to live and practice law. "I had my mind made up that Atlanta is where I wanted to be," says Jill Boyd '92, who had fallen in love with the area years ago while visiting friends. Like fellow alumni, Janyce Dawkins '94 and Phyllis Williams '95, Boyd makes the point that there is plenty of room in the Atlanta area for those willing to put in the effort to find a position here.

Boyd is general counsel and assistant Director of Legislative Services for the Professional Association of Georgia Educators (PAGE), an organization that rep-

resents more than 37,000 of the state's teachers, school administrators and support staff. "I spend a lot of my time traveling around the state finding out what's on teachers' minds," she says. "Listening is a big part of the job." From the district-level discussions, PAGE develops legislative priorities that Boyd represents during Georgia's legislative session. Because Georgia teachers are prohibited from collective bargaining, the lobbying work takes on special importance. Pushing for higher wages is a major aspect of Boyd's job. During the recent Georgia session, PAGE helped secure a 6 percent pay hike for teachers. Other areas of concentration for Boyd include professional liability insurance and support of employee rights cases.

For Boyd, lobbying runs in the blood.

"I've been around it all my life," she says, adding, "and I thoroughly love it." Boyd's father, Bill, and her brother, Bob, as well as her sister, Laura Boyd Pearce, are lobbyists in Tallahassee with the Boyd Law Firm.

Phyllis Williams '95 figures she's a big city person by nature. Five years in Philadelphia cast a spell, she says, and Atlanta had caught her fancy while she was a law student. "There really isn't a city in Florida that has the feel of a major metropolitan area. Atlanta has that big city feel. It has a symphony, great museums, a great night life, just about anything you want to do." Her one regret so far—one shared by many young attorneys here—is that work keeps her so busy she scarcely gets the chance to enjoy the bright lights and high culture.

Although she's new to her first party

property and arson practice with Swift Currie McGee & Hiers, Williams knows something about the insurance business. As a claims representative for State Farm Insurance for nearly five years in Philadelphia, she worked with the company's lawyers in preparing claims for litigation and arbitration, attending hearings and depositions.

Eventually, Williams would like to join a law school faculty. "I had a great experience at FSU. I enjoyed my relationship with the faculty, and I would like to be a part of helping students learn the profession." Williams was a stellar student in law school, serving as vice president of the Moot Court Trial Team, judged Best Advocate during 1993 Intramural competition, and president of the Black Law Students Association.

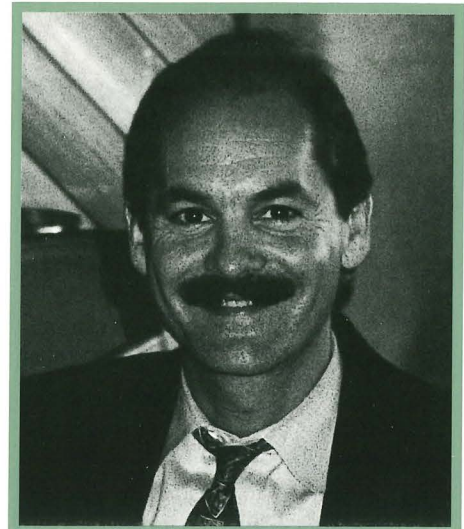
Although Dawkins had had her eye on Atlanta for some time, working in Atlanta ultimately hinged on her husband's teaching assignment. After receiving his Ph.D. in accounting from FSU and being offered a position at the University of Georgia in Athens, the couple decided to locate in Lithonia, just east of Atlanta, on the highway to Athens.

Dawkins remembers the day her interest in labor law began. "I was listening to [former College of Law Professor] Mack Player talk about it, and I knew it was the area I wanted to work in," she says. "The thing that I found most intriguing was the fact that it dealt with real-life issues and had a direct effect on peoples' lives. It's an area of the law where you can help people and see the result."

Although the majority of her work at Steven A. Friedman & Associates is in workers' compensation, the work shares the characteristics of labor law that offer Dawkins a sense of satisfaction. "Workers' comp is a highly litigious area and that has a number of benefits for me," she says. "I get into court on a fairly regular basis, and closure is fairly quick. Cases don't drag on." Like labor law, she gets the satisfaction of helping solve day-to-day problems for people. "A person's job and ability to earn a living is very basic."

For new FSU graduates who want to come to Atlanta, Williams, Boyd and Dawkins have some advice. "Network, talk to alums already here and be prepared to pound the pavement," says Boyd, adding, "It will be worth it." ♦

BILL COHEN: The relationships make it all worthwhile



It is his relationships with his clients that appeal most to William Cohen in his transactional law practice. "In the kind of work I do, especially in the area of mergers and acquisitions, a lawyer is not a necessity. Clients want you to represent them because they like you and appreciate your skills." As a result, says Cohen, relationships are often long-lasting. "There is a certain affinity between client and lawyer that doesn't exist in most areas of the law. You see genuine loyalty develop that can last for years." In fact, Cohen brought many of the clients he had worked with over the years with him to his new practice at Robins, Kaplan, Miller & Ciresi in 1993.

Cohen, who graduated in 1979 from the College of Law, heads the firm's Atlanta-based corporate and tax group. In addition to mergers and acquisitions, he specializes in tax aspects of complex commercial transactions.

When Cohen went to law school in the late-1970s he intended to go into the fledgling field of environmental law. As an FSU undergraduate, he had majored in biology, concentrating in marine ecology. "I figured out fairly quickly that the market was not good for environmental lawyers and began looking around for another area," he says. "I had taken a couple of tax courses from (Professor Joe) Jacobs and (Professor and now Dean Don) Weidner and found I liked it," he says, noting that his proclivity toward math gave him an advantage over most law students.

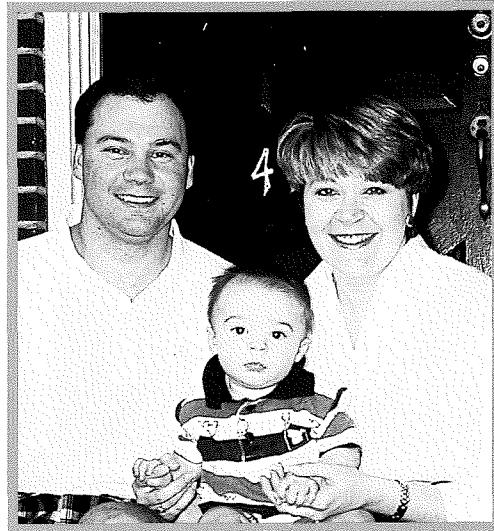
Once in practice, Cohen's work shifted gradually toward transactional law, especially toward mergers and acquisitions. As a result, his career has reflected the turbulence of the marketplace. "This is an excit-

ing area of the law, but from a lawyer's point of view, the ride hasn't been smooth." In 1990, the firm Cohen had been with since the early 1980s "blew apart," as he puts it. "During most of the 80s things were great in this field. Most firms had all the work they could handle," he says, "Then, in the late 80s the work slowed down and things went sour."

It was the younger partners who were hit hardest by the slowdown in transactional work, Cohen says. "Senior partners weren't going to give up their share of the pie, and there was enough grunt work to keep most associates busy. The younger partners became an endangered species."

Cohen and two friends formed Cohen, Asbill, Stribling & Cunningham, and watched it grow to 12 attorneys in less than three years. In 1992, the young firm faced a dilemma. "We were a victim of our own success," says Cohen. "We had reached the crisis point that most small to mid-sized firms reach. The question is, do you keep growing, facing added stress, or do you merge with a larger firm that can offer your clients a greater variety of services?" Some of his partners wanted to merge with a larger firm while Cohen, who calls himself "something of a risk taker" wanted to forge ahead. "I was outvoted," says Cohen, who, with other partners from Cohen Asbill joined Robins, Kaplan, Miller & Ciresi, a national firm of 250 lawyers.

The factor that made the move less painful for Cohen was that he was able to bring many of his clients with him. "There's a lot of satisfaction in serving clients I've worked with for a long time," he says. "And I have to admit, I really enjoy putting deals together. There's a real adrenalin rush in this sort of work. I get to share that excitement with my clients." ♦



Ben, Matthew (age six months), and Sherri Rogers

after graduation. "It was a relatively small firm by Atlanta standards (40 lawyers when he joined) but I knew when I got here that it was the kind of practice I wanted to be involved with."

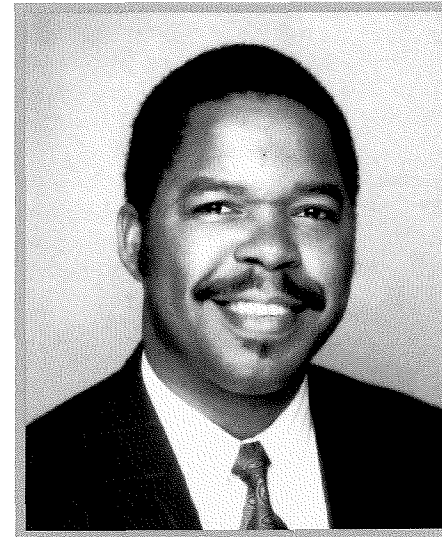
Rogers had known from his high school days in Brattleboro, Vermont, that he wanted to be a lawyer and decided to come to FSU after his parents moved to central Florida. "I heard good things about the law school when I was working for a law firm in Orlando," says Rogers, who decided to take a break from school after graduating from Dickinson College (Pennsylvania) in 1987. "One thing I heard that turned out to be true was that FSU had an excellent externship program," he says, adding, "My externship with the Florida Supreme Court was a great experience."

At Rogers & Hardin, Rogers divides his time between securities work, representing brokerage houses in customer complaints and investor class actions, and general commercial litigation. "The attraction for me is the investigative aspect of the work. I enjoy sleuthing and trying to fit pieces of the puzzle together," he says.

Many of Rogers's cases end up in arbitration, a fact he doesn't complain about. "It's pretty rare that you go to trial these days. Arbitration is the next best thing," he says, describing the "mini trial" nature of the proceedings. "The arbitration panels keep the lawyers on track and move the proceedings along. There's not a lot of irrelevant testimony. There's not any hotdogging by the lawyers. The cases tend to be distilled down to their essences."

One of the reasons Rogers preferred the smaller size of Rogers & Hardin was that it offered the opportunity for more interaction with the firm's attorneys. "What I had heard, and what I have found to be the case, is that associates have more difficulty getting feedback on their work at large firms. The interaction and feedback helps you grow as a lawyer." Rogers makes the point, however, that new lawyers have to seek feedback. "You have to take the initiative."

Although the Atlanta Bar is undergoing many changes, Rogers appreciates what he calls "vestiges of gentility. It's one of the factors that has made my experience here enjoyable," he says. ♦



THOMAS GAINES: Helping clients through the high tech revolution

Thomas Gaines spends a lot of time dealing in what he calls "murky, in-between areas of the law." As an intellectual property attorney in the high tech age, he says the working conditions come with the territory.

A partner with King & Spalding, Atlanta's largest law firm, Gaines doesn't mind the lack of legal definition in his practice. That will come in time, he says. "But right now, for me, this is where the action is." He explains: "I think we are moving toward a knowledge-based asset environment and away from the traditional fixed asset environment. It's natural that there will be a lot of confusion as the trend progresses."

According to Gaines, the Internet is causing "an explosion" of intellectual property questions that have not previously been dealt with. "How do we protect confidential information that is transmitted electronically? How do we protect a client's copyright interests when they are putting

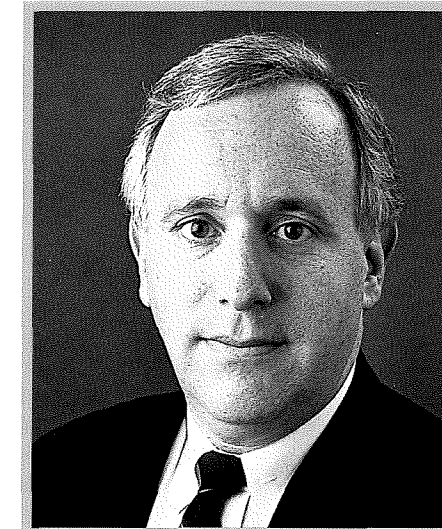
out information on the Internet." He adds, "Under traditional copyright law, when you download information from a computer online service, you're breaking the law. In the case of online information, though, everyone understands that the end user has to download in order to use the information. In effect, licensing is granted de facto. So what happens when the end user goes beyond the spirit of online agreements?" So far, according to Gaines, court decisions have not cleared up such issues.

Intellectual property is the second career of sorts for Gaines. While he was a student at the College of Law in the mid-1980s, he developed a strong interest in securities law. "I remember sitting in (Professor) John Larson's class one day, hearing about a proxy battle at Pantry Pride (a grocery store chain). The drama and the behind-the-scenes negotiations fascinated me," he said, adding, "What intrigued me the most, I think, were all those zeros on the bottom line."

Gaines, in fact, began his career in King & Spalding's corporate securities section and only switched officially to the firm's new intellectual property team four years ago. "I enjoyed securities law at first," he says. "Eventually, though, I found I wasn't enjoying it as much as I thought I would. Large deals require long hours," he says, and with the family he began when he was a student, the pressures proved too much. "It's hard to get excited about a big deal at two in the morning."

Much of Gaines's work over the past two years has been for the U.S. Olympic Committee, handling their merchandise licensing program. "This effort is four or five times larger, in dollar terms, than any other merchandizing program in the history of the world," he says, noting the enjoyment of seeing tangible products and results. "There was no blueprint to organize this effort. We've literally re-invented the wheel to make it happen," he says of the Olympic Committee's program. "It's pretty exciting."

Although most of Gaines's work for the Olympic Committee involves merchandise, he can't avoid the high-tech murkiness. "We've dealt with software system integration and outsourcing, even music contracts. In intellectual property, you're never far away from issues that defy easy answers." ♦



BOB ROTHMAN: Continuing a tradition of law school connections

Bob Rothman knows the value of law school connections.

After class one day in 1979, law professor Nat Stern pulled Rothman aside and asked if he had ever considered practicing in Atlanta. Rothman, who had family in Atlanta and whose wife is from nearby Athens, had, in fact, given it some thought. Stern had been an associate with Arnall Golden & Gregory prior to joining the faculty earlier that year and thought Rothman might be well-suited for the firm.

"I'm still thankful for my good fortune," says Rothman.

Seventeen years after that after-class meeting, Rothman heads the litigation department of Arnall Golden & Gregory and considers himself something of a rare bird among his colleagues because he has spent his entire career with one firm. Rothman is responsible for staffing cases for the 23-attorney section. "A lot of what

I do is try to match the skills of our lawyers with cases. This is especially important for associates," says Rothman, adding that making sure associates get the opportunities they need to develop as attorneys is a task he takes very seriously.

The law is Rothman's second career, and he credits his first career, as a journalist, with steering him into litigation. "Litigators have to be quick on their feet and able to respond to emergencies. That's what a good reporter has to do." He also credits his six and a half years as Tallahassee correspondent for the *Tampa Tribune* with providing other skills that have served him well as a litigator. "I knew how to interview people, how to ask hard questions and how to ask the right questions. Those are skills that new lawyers can take a long time to develop," says Rothman. "The ability to work under deadline pressure is another bit of valuable cargo I bring from my previous job."

Perhaps the most valuable piece of cargo Rothman brings with him, is the ability to write well. "The importance of a lawyer's ability to write clearly cannot be overstated," he says. "I spend a lot of time on the work of associates, and the point I make again and again is that you can have a great grasp of the law, but if you can't communicate it, it doesn't do the client or the firm any good."

In addition to work with his practice, Rothman keeps a literary hand in play by serving as an editor for American Bar Association publications. Appointed in 1989 to the ABA editorial board of *Litigation News*, he has served as associate editor, managing editor and editor-in-chief of the publication. Currently, he is co-director of the ABA's Division of Publications.

In addition to writing, Rothman enjoys the strategy side of litigation. "How do we approach a case? How do we decide what claims to assert? What not to assert? How do we handle the motion practice? All that is fun for me and helps keep me fresh as a lawyer."

Rothman's FSU connection at Arnall Golden & Gregory continues to pay dividends. Teresa Norwood McNally '94 joined the firm two years ago, and 1996 graduate Andrew Schutt will start later this summer. Another graduate, Reiko Feaver, is clerking for the firm this summer. "We find that FSU produces some excellent lawyers," Rothman says. ♦

ASSISTANT PROFESSOR LOIS SHEPHERD maintains



College of Law Assistant Professor

Lois Shepherd's latest article begins by examining the seminal scene in William's Styron's 1979 novel, *Sophie's Choice*. As she disembarks the train in 1943 Auschwitz, a female prisoner is met by a Nazi doctor who asks her to choose which one of her two children will live and which will die. When she picks her son to live, she also, as the novel reveals, seals her own fate.

Shepherd suggests that the woman made the wrong decision. Instead of acceding to the doctor's order, she should have refused to accept his authority to require her to make such a choice.

For Shepherd, a 1987 Yale Law School graduate, the scene is a metaphor for rapidly developing trends in medicine and law that force us into positions not unlike Sophie's, where we may be asked to make decisions about life and even death based on authority other than our own. By turning to doctors, Shepherd argues, we turn away from our personal responsibility. "We look to medicine to solve our problems and to make our decisions when we leave doctors to decide for us in questions about suffering and about quality of life." Traditional methods of making these decisions, she says, based in family and community values, are too quickly being abandoned.

In her latest article, "Sophie's Choices: Medical and Legal Responses to Suffering," for a forthcoming issue of the *Notre Dame Law Review*, Shepherd does not blame the medical profession. "Relief of suffering is a noble pursuit and an essential part of the profession's calling. The problem is our apparent willingness to concede to the medical approach without considering what may be lost if the approach is given unchallenged primacy."

Especially troublesome to Shepherd is the apparent willingness of some courts to accept the notion of rights based in suffering. One of these rights that has received extensive media coverage in recent years is physician-assisted suicide. Shepherd opposes such suicides not only because they rely on a medical prescription that, in certain cases, death is preferable to life, but because such suicides are not autonomous actions. "I am not opposed to someone deciding to take his or her own life. My problem is that the decision of physician-assisted suicide is not one made entirely by the patient. It is not an autonomous act."

As the practice receives wider acceptance, Shepherd fears that some may be pressured into suicide. In the Netherlands, where a sizeable percentage of suicides are physician-assisted, people are commended for choosing to die quickly, she says. "In a situation where people will celebrate a decision to end your life, there is obviously pressure to do it. My question is, where is the autonomy? When does the right to die become the responsibility to die?"

Shepherd is also troubled by the fact that the number of women who end their lives with doctor-assisted suicide is many times higher than that of men. "That suggests that something is wrong," she says. According to a newspaper report, 25 of the 28 suicides

a keen interest in the emerging debate of rights based in suffering. What she hears often disturbs her.

Michigan doctor Jack Kevorkian says he has attended have been by women. "It's important to understand the causes of this imbalance," says Shepherd.

"When we make relief from suffering a right, I worry that there will be an erosion of rights based in liberty and equality," she says. Such an erosion could lead to medical decisions that pit the needs of some living people against those of others, she argues. To illustrate her point, Shepherd points to the case of anencephalic infants who are born severely disabled with very limited life expectancy, but who have a functioning brain stem and under current medical definition are not dead. "Some people believe that anencephalic babies have no quality of life and should be sacrificed as organ donors," she says. "This is in opposition to the basic principle of bioethics, which is equal respect for persons."

Last year, a council of the American Medical Association issued a report supporting the practice of harvesting organs from anencephalic infants based on their lack of "quality of life," and recommended for the first time an exception to the rule that organs cannot be taken until the donor is dead. The move initiated a firestorm of protest and the recommendation was temporarily suspended pending further study.

The danger of the AMA recommendation, says Shepherd, is that it establishes a "slippery slope" scenario under which other exceptions to the 'no live donor' rule can be made. "If the AMA's recommendation becomes the norm, it becomes more likely that pressure will increase to sacrifice some lives for others." Shepherd says the debate involves a broad array of issues, including those of gender and race. "It is a fact that there are significantly fewer organ donations from African Americans because they fear that they will be prematurely declared dead so their organs can be harvested." She adds, "Considering our history, that fear is not entirely baseless."

A by-product of rights based in suffering, according to Shepherd, is an emerging right to be born with sound mind and body. "There have been a few successful cases of the right not to be born. Children bring suit saying they should have been aborted—that had the physicians not been negligent in the prenatal testing, their parents would have aborted." Three courts have recognized such "wrongful life" suits and many more have accepted "wrongful birth" claims by parents alleging that incorrect information deprived them of the opportunity to abort. According to Shepherd, there is a growing popular belief, based on medical knowledge and advice, that in some cases life is worse than never having been born. Under this view, she says, the legal burden falls on parents. "A child could say to parents, 'you had this information about my disability and you should have aborted.' I argue that this is going too far."

In an earlier article, published in the *University of Illinois Law*

Review, Shepherd argues against recognition of a right not to be born, and argues instead for a right of parents to have children with genetic differences (even disabling ones), even if the births of such children could have been prevented through carrier screenings or prenatal testing and abortion. Based on a right of familial attachment that she proposes, a parent who chooses to give birth to a child, knowing that the child will carry a genetic abnormality, should not have to answer to a court or to the child (or an HMO or insurance carrier) for that decision. In fact, some managed care programs require a commitment from women who undergo prenatal testing at the program's expense to terminate a pregnancy if tests reveal genetic abnormalities.

Shepherd, who teaches Health Law and Policy and Bioethics and the Law, got into the field by chance. One of her parttime job as a law student was to write a chapter of a health care book. Later, when she was practicing law in Charlotte, on the basis of that chapter, she was approached by a medical journal to write an article. "When I decided I wanted to go into teaching, it just so happened that my first two published articles were in health law."

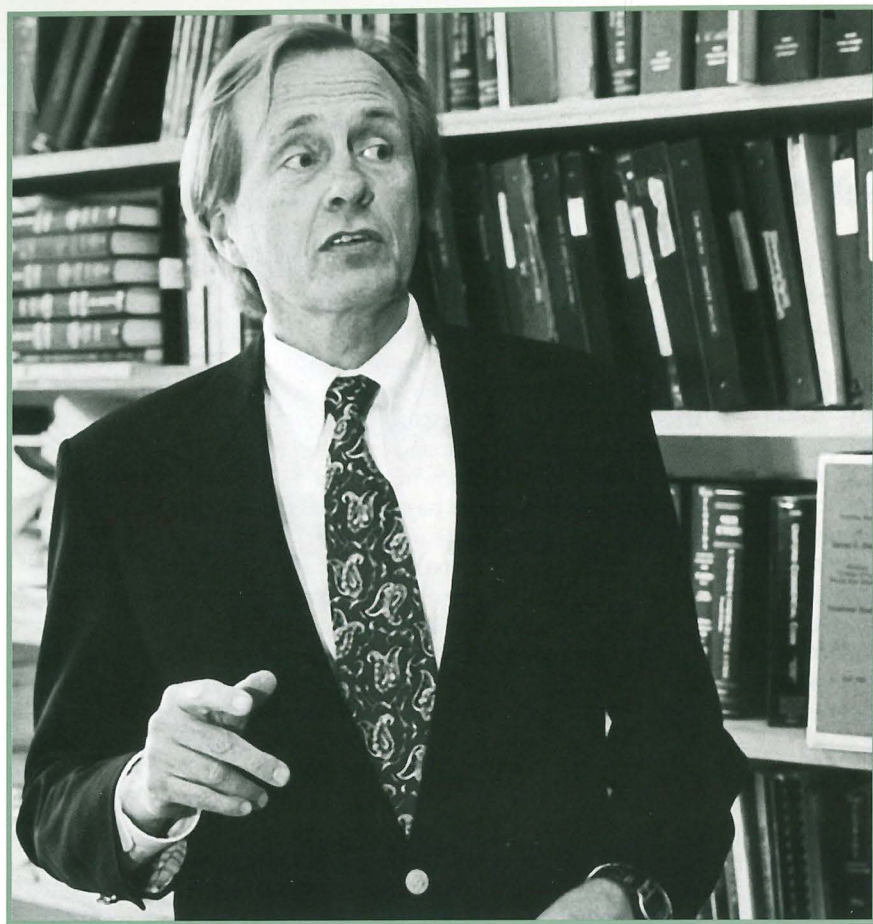
Shepherd's interest in bioethics developed after she began teaching at the College of Law in 1992. "The more reading I did, the more I found that the issues that really interested me involved death and dying, reproduction and parental responsibility," she says. In the fall of 1993 she received permission from former Associate Dean Steve Goldstein to teach bioethics. "Once I got into teaching, my enthusiasm for it really developed."

When we make relief from suffering a right, I worry that there will be an erosion of rights based in liberty and equality.'

If the fictional Sophie had indeed refused to choose between her two children at Auschwitz, wouldn't both have died? Wouldn't it have been better to save one, even if it was at the expense of the other?

Shepherd says no, that Sophie should have chosen "not to become a participant in the evil," that her actions should have been dictated by unconditional love for her children and be a product of "her family and its values." We must learn from Sophie's lesson, says Shepherd. While Sophie has but a moment to reflect on the consequences of the choice demanded of her, we usually have ample time to contemplate ours. "If all persons are accorded equal respect, we will not be expected to sacrifice one person, even to relieve the suffering of another."

Making Hard Choices



By David Morrill

Scholarly curiosity led JARRET OELTJEN to a 30-year interest in the operation and regulation of pawnshops. As a result, he has become the nation's undisputed legal scholar in the area.

FEATURE

'Pawn brokers don't care whether you pay up or not. There are no credit reports, no collection agents, no harassment.'

moving from being mom and pop operations, often located on the back streets of a community, to corporate operations, with shops on main street." New pawnshop chains, such as Cash America, operate hundreds of stores and have a vested interest in improving the image of pawnbroking, says Oeltjen. "They tend to favor regulation that protects the consumer, because, as they see it, it protects them as well," he explains, referring to such services as consumer protection hotlines, whose numbers are required to be posted in pawnshops.

Pawnbrokers are particularly leery of having their reputation tarnished by the title loan agencies that are sprouting up across Florida, according to Oeltjen. "These are not pawnshops," he notes of the businesses that charge up to a 22 percent per month service charge for title loans on automobiles. "A true pawn takes in the tangible property as security," he says, pointing out that legislation authorizing title loan operations prohibits them from using the word "pawn."

Although he has become something of a champion of the pawn industry, and has been a speaker at pawnbroker association meetings, Oeltjen says his research interests are turning to other subjects. "I've got my eye on a number of areas, including a return to agricultural law," he says, adding, "but I've had a lot of fun with pawnshops."

In addition to his research, Oeltjen has edited *Florida West's Statutes Annotated Uniform Commercial Code Forms*, recently putting together a third edition.

mate businesses performing a valuable service." He points out that pawnshops are the only legal alternative for some people to get money. "I don't see it as particularly harmful that people convert property that they can live without into cash," he says. Also fascinating to Oeltjen is the unique role of the pawnbroker as a financial institution. "Pawnbrokers don't care whether you pay up or not. There are no credit reports, no collection agents, no harassment. If you don't pay, you forfeit your property, and when you come in the next week the pawnbroker will smile and be happy to do business with you again."

It is partly a result of long-held prejudices, Oeltjen contends, that pawnshops are unfairly targeted by regulation. One example, he points to are the zoning laws imposed by local governments. "Essentially, pawn shops are treated like bars and massage and tattoo parlors and are restricted to where they can operate." Other regulations limit hours of business and say they can't operate drive-through windows.

Historically, according to Oeltjen, pawnshops have been victimized by police intrusion. This is particularly unfair, he argues, because of strict reporting requirements on property purchased by pawnshops, and because sellers must submit to fingerprinting and photo identification. As for the stereotype that pawnshops deal in stolen property, contends Oeltjen, less than 1 percent of recovered stolen property comes through pawnshops. "In some states—and this was the case in Florida until the law was changed a few years ago—police would go into pawnshops and take property they suspected of being stolen back to the police station." In most cases the property was not returned to the pawnbroker, even if it was never claimed, says Oeltjen. "The police would then sell the alleged 'unclaimed property' at auction and keep the proceeds. This is an unconstitutional taking. By rights, the property should go back to the pawnbroker."

The notion that pawnshops attract an undesirable clientele and encourage loitering is also a misconception, he says. "People come in to make a transaction, and once they are done, move on. The pawnbroker has a personal interest in keeping the area clear, and of making it accessible and inviting to customers."

The pawn business, says Oeltjen, is undergoing major changes. "Pawnshops are

Another ongoing project for Oeltjen, one dating back to the early 1970s, is his work with bar review courses. "Dean Ladd required faculty to prepare a lecture in their area to help prepare students for the bar exam," he says. "By the mid-1970s I decided I could put together a better program than most other commercial providers and became affiliated with Bar-Bri. It's been a good association over the years, though I'm becoming less active with the company these days."

Oeltjen came to the College of Law in 1969, one of the last faculty handpicked by founding dean Mason Ladd. His story fits the pattern of Ladd's other early hires.

Ladd contacted Oeltjen, who had been teaching torts on a fellowship at the University of Chicago Law School, while he was home in Nebraska for the holidays. "Dean Ladd wanted me to come to Tallahassee immediately for an interview." When Oeltjen protested that he was home with the family for Christmas, Ladd suggested that the job would not last. "He made it pretty clear that time was 'awasting'." Oeltjen headed south forthwith and, once in Tallahassee, was quartered in the Ladd's guest bedroom. Says Oeltjen, "Needless to say, I was in a very controlled situation."

After spending time with the Ladds and meeting some of the faculty, the dean made Oeltjen an offer. "Considering myself a pretty savvy negotiator, I told Dean Ladd that I would need some time to think about it." Ladd raised his offer but told Oeltjen he had 24 hours to make up his mind. "I agreed to come," Oeltjen says, "but I found out later that the dean had been authorized to offer me even more. Mark one up to experience."

Oeltjen, who has, over the years, taught commercial law and contracts, seminars in consumer protection, agricultural and entertainment law and commercial contract drafting, said his original intention was to stay in Tallahassee for two or three years and then return to the Midwest and a small town practice with a law school classmate. "After awhile, though, I began to get comfortable here. My wife and I had our second child, then a third and a fourth." Adds Oeltjen, "I still miss the Great Plains, but Tallahassee and FSU have been quite generous to my family and me. This is home now." ♦

In Defense of Pawnshops

In an article to be published in the next issue of the *Florida State University Law Review*, Jarret Oeltjen makes the point that the pawnbroking profession is as old as recorded history. He makes another point about pawnbroking: that it is "frequently misconceived and misunderstood," and all too often accorded the same level of respect as the profession generally regarded to be the oldest.

If there is a common image in middle-

America of pawnbroking, it is of a business that preys on the poor, fences stolen goods, tends to attract loiterers and offers a ready supply of firearms to criminals. Oeltjen, a College of Law professor for 27 years, suggests that image is outdated and wrong. He also says it is an image undergoing rapid change.

Oeltjen's interest in pawnshops is an outgrowth of research in consumer and commercial law he did nearly 30 years ago.

"I noticed that pawnshops were an exception to so many of the rules and wondered what kind of a pariah I was dealing with." That curiosity, which led to three published articles on the pawn industry, established Oeltjen as the unchallenged expert in pawnshop legal scholarship. The article that will appear in the upcoming *FSU Law Review* is his fourth on the subject.

Says Oeltjen, "I write relatively favorably about pawnshops. I see them as legiti-

Florida's Dispute Resolution Center Turns 10

As it completes its 10th year, Florida's Dispute Resolution Center is taking account of its achievements. The anniversary will be marked August 22-24, in Orlando, at the Center's Fifth Annual Conference for Mediators and Arbitrators, an event that will bring together top alternative dispute resolution (ADR) experts and practitioners from around the state and the nation as well as the key players in the Center's founding and development.

Among those expected to attend the conference are FSU President and former law school dean, Sandy D'Alemberte, who had the original idea for the center, Mike Bridenbach, DRC's first director, Jim Alfini, its first Director of Education and Research, Senator Helen Gordon Davis, who sponsored Florida's landmark ADR legislation, and former Florida Supreme Court Justice Parker Lee McDonald, an early supporter.

A joint project of the College of Law and the Florida Supreme Court, the Center was formed in 1986, as a result of efforts by D'Alemberte, then dean of the law



Standing, DRC Research Director Jean Sternlight, student DRC Fellows, Kim Mann and Elizabeth Perez. Seated, Director Sharon Press

A joint project of the College of Law and the Florida Supreme Court, the Center has been an essential ingredient in the rapid growth of alternative dispute resolution.

school, and now-retired Justice McDonald. "The Center was set up with two goals in mind," says current DRC director Sharon Press. "The first was to promote the use of all kinds of alternative dispute resolution. The second was to serve as a resource for education and research."

During its first decade of operation, because of special circumstances going back to its founding, say Press and others at the College of Law, DRC emphasized assisting Florida's court system. Looking toward its second decade, there is a consensus that the Center will expand its focus, placing more emphasis on the educational and research aspects of its mission.

In 1986 the Florida Legislature appointed a committee to study the uses of ADR in the state, with the objective of reducing

pressure on the court system and saving money. The committee's recommendations led to 1987 legislation that gave judges the authority to send cases to mediation and arbitration. DRC was chosen to train and advise Florida mediators and to help the Supreme Court, under whose rules the new program would be administered, develop rules and guidelines.

Under an agreement between the Supreme Court and the law school, DRC would have co-directors, one appointed by the court to provide judicial oversight, the other an FSU law faculty member to coordinate the educational and research function.

Jim Alfini, the first law faculty co-director, recalls the excitement of the early years. "When I came down to the Center in 1986,

we were writing on a clean slate," says Alfini, who is currently dean of Northern Illinois Law School. Prior to coming to Tallahassee, he served on the staff of the American Judicature Society (AJS) in Chicago and was an adjunct professor at the Chicago Kent Law Center.

Alfini had met D'Alemberte through their work at AJS, an organization that supports judicial research and reform. D'Alemberte served as president of the organization in 1985. "I had done some research in dispute resolution at AJS and realized it would be the wave of the future," says Alfini. "The legal profession was just beginning then to take ADR seriously."

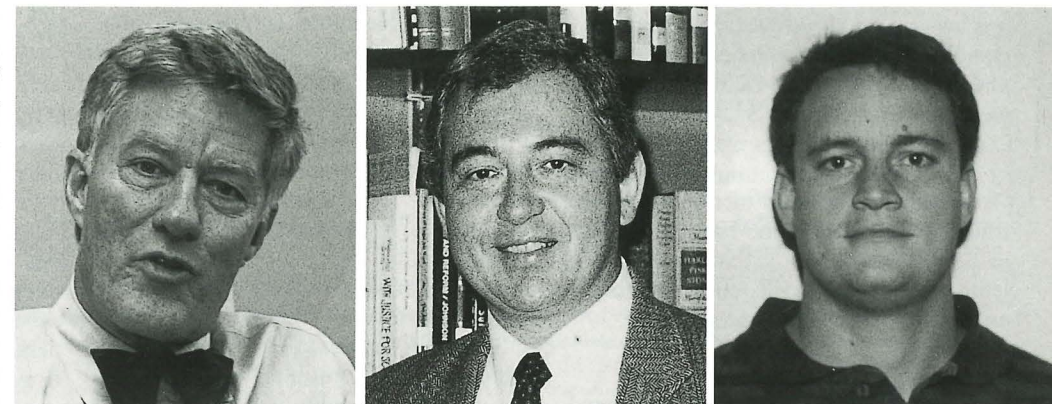
Alfini claims that his greatest achievement at DRC was hiring Press. "Sharon is an outstanding asset to the Center." Garret Jones, a third-year law student and Center intern who has worked on projects with Press, agrees. "When you talk to people around the country, they know who Sharon Press is."

New York-raised, Press got her education in dispute resolution hands-on. "Although I got my formal legal training at George Washington University, it was my informal training that got me into ADR," says Press. During her college years, Press worked as a residence hall assistant and director. "A lot of what I did in those jobs was mediate disputes," she says. "And some of them were pretty hot, pretty emotional."

Press came to Tallahassee in 1988, replacing Jim Soltice, a recent law school graduate who was active in the court's rules writing process and training. Although her initial plan was to return to the Northeast after two or three years, she decided to stay put. "This is such a great opportunity for someone interested in dispute resolution," says Press. "I could never find a good enough reason to leave."

Today the Center has a staff of five full-time employees who help manage the Supreme Court committees that oversee court-ordered mediation and provide training to mediators. "Beyond that," says Press, "we serve generally as a clearinghouse providing information to mediators, those interested in becoming mediators and the general public." Over the years the Center has certified more than 3,500 mediators on behalf of the Florida Supreme Court.

By David Morrill



From Left: Sandy D'Alemberte, who conceived the idea for DRC, Jim Alfini, the first research director, and Garret Jones, out-going president of the law school's Dispute Resolution Society

Twice that number have taken the Center's training seminars without seeking certification.

According to Press, the need for mediators is growing at "an exponential rate." In 1994, the latest year for which data are available, 100,000 cases went to mediation in the Florida court system.

When Alfini left the Center in 1992 to assume the deanship at Northern Illinois, he was replaced by Mack Player, who, in turn, left in 1995 to become dean of Santa Clara (California) Law School. New research director, Assistant Professor Jean Sternlight (who says she has not yet been contacted by any law school search committees) sees an increasing law school presence in the Center and is working to expand the Center's role in the law school. Part of her mission, she says, is educating faculty about ADR and how they can integrate it into their substantive courses. "When you teach torts or international law, for instance, you don't have to just focus on how parties can sue each other, you should also teach about alternative ways to reach settlement."

Sternlight hopes DRC can become a resource for professors who want to include such training in their courses. "The Center could link up people in the community who are practicing ADR with professors teaching particular subject areas, and professors could invite these practitioners to talk to their classes," she says.

Some professors are already using the approach. In her Land Use course, Assis-

tant Professor Sylvia Lazos invites Bob Jones, director of the Florida Conflict Resolution Consortium, to assist in simulating a mediation among students. "My purpose is to illustrate that litigation is usually not the best way to resolve land use conflicts," says Lazos, pointing out that land use issues involve a number of parties, including the community, local and state governments, environmentalists and neighbors. "I have students assume the roles of the different parties so that they can understand both the legal and the emotional points of view. It's a great teaching tool."

One obstacle that confronts ADR advocates is occasional resistance within the established legal profession. Garret Jones says there is a prejudice among some practitioners that ADR is "soft" and out of the mainstream of legal practice. "As a matter of fact," Jones maintains, "mediation is at the heart of legal practice. More than 95 percent of legal cases are decided by negotiation." Jones notes, however, that an increasing number of lawyers are realizing that ADR is a less expensive, less contentious way to resolve legal problems.

Alfini agrees: "There is still some discomfort among litigators, who are accustomed to following formal rules. The dispute resolution process has a necessary informality about it." Another concern for lawyers, he says, is the impact that ADR's rapid growth has on litigation.

Alfini, Sternlight and Press make the point that Florida is a leader in the ADR movement. "Because of the 1987 legislation, and thanks to some farsighted judges

and lawyers, we're well ahead of the curve," says Press. "This is one of the things that makes working at the Center fun. What we do is important and is taken seriously."

Instrumental in the growing acceptance of ADR in Florida, according to Sternlight, "is that some top notch litigators have been trained in mediation and have realized its value. My experience is that once lawyers learn how to use ADR, they see how it enhances their ability to settle cases."

Alfini sees a growing need to increase the presence of ADR in the law school curriculum. "This is what future lawyers are going to be doing," he says, cautioning that the growth and evolution of ADR often make it difficult for law schools to respond. Garret Jones agrees that "students need a lot more exposure to ADR in law school. We could use more training in negotiating skills, for instance," he says. "This would be useful for all law students, no matter what sort of law they end up practicing."

Law student Michael Bond, who succeeds Jones as president of the law school's Dispute Resolution Society, says there are several factors that make it difficult for students to get ADR experience. "Dispute resolution is a difficult area to deal with academically. It cuts across all areas of the law and has no theoretical underpinning." Like Jones, Bond says the best training is hands-on, such as students receive in ABA-sponsored client counseling competition. "Those kinds of events are invaluable for students," he says.

College of Law Dean Don Weidner is encouraging use of the Center not only as a resource for providing experts and adjuncts to come into the classrooms, but for faculty research as well. "I see it as a laboratory for scholarship," he says, adding, "I think dispute resolution has emerged as an area of program strength at the law school. When you combine our traditional strengths in litigation, such as Chuck Ehrhardt and John Yetter, and new talent like Jean Sternlight and Jeff Stempel, what we've got is a first-class program."

Jeff Stempel has studied the ADR movement in depth. His article, "Reflections on Judicial ADR and the Multidoor Courthouse at Twenty: Fait Accompli, Failed

Overture, or Fledgling Adulthood?," published in the *Ohio State University Journal of Dispute Resolution*, looks at the progress of the movement since a 1976 Ohio State University conference. Organized by former U.S. Supreme Court Justice Warren Burger, the conference is generally regarded as a seminal event in ADR's development.

Stempel argues that there should be more judicial control over ADR processes. "On a national basis, I think there has been some abdication of responsibility by the courts in monitoring the quality of ADR. I believe that ADR should be hard-wired into the court system," he says, arguing for a higher and more consistent level of professionalism among mediators.

Stempel also is concerned about what he calls the "passivity of a great deal of mediation." Without firm direction and control, he says, time and money are wasted if methods that insist on resolution are not built into the system.

Other law school faculty have also been active in ADR projects. Professor Bill McHugh, a speaker at Florida Bar employment law continuing education courses, has long been a proponent of arbitration. He insists it works to the benefit of both business and the "little guy."

"Whether we realize it or not, workplace litigation is being replaced by arbitration as the forum of choice for private employers," he says, adding, "The little guy is going to benefit. He or she will now have an inexpensive opportunity to protect his or her workplace rights. Today, only the rich can sue."

An issue that Weidner thinks is ripe for research is the question of whether ADR may be a method by which the American judicial system moves toward the European model for settling legal disputes. "They rely much less on juries than we do," he says. "ADR is taking us toward more of a European approach. Our laws now permit many people to contract out of the jury system." Weidner also believes more research that examines the effectiveness and uses of ADR is needed.

Alfini seconds Weidner's call. "Because ADR has come so far, so quickly, there is a definite need for empirical studies," says Alfini. "There has not been nearly enough research into the efficacy of various dispute resolution processes." ♦

Several alumni are playing leading roles in ADR in Florida, including Peter Kramer '84, a partner in the Miami office of Steel, Hector & Davis, and Jon Kaney '69 of Cobb, Cole & Bell in Daytona Beach.

Kramer, the 1995-96 College of Law Alumni Association president and a certified mediator, believes ADR not only works but will transform the legal profession. "Clients of the future are going to demand ADR as an alternative to litigation simply for the reason that it is less expensive."

Kramer participated in one of the largest mediations in history when he worked with victims of Hurricane Andrew in 1994 to settle claim disputes with insurance companies. The results, he says, "were really astounding." The program was operated by the Florida Department of Insurance in cooperation with the American Arbitration Association. "We handled more than 1,000 cases of homeowners whose claims were denied by insurance companies," says Kramer. "This was the first time mediation was officially implemented in a catastrophic situation. Under the program, insurance companies were required to participate in the process unless they could prove that there was a compelling reason why they should not. According to Kramer, "If anyone needs proof that alternative dispute resolution works, I would direct them to this effort."

When ADR advocates convene in Orlando in August, they will find more than simply a homecoming for the founders and principals of Florida's Dispute Resolution Center. They will be celebrating the impressive growth of ADR over the past ten years. Speakers at the conference include some of the nation's top experts in ADR, including Deborah Hensler, law professor at Southern California, who will deliver the keynote address.

Sternlight hopes to build on FSU's prominence in the field by lining up several FSU faculty members as panelists and speakers at the conference. "This is where the College of Law can really establish a presence in ADR," she says. "It's a chance to showcase what we're doing." ♦

CLASS NOTES

'69

Jonathan D. Kaney, Jr., chaired the ABA's recent 1996 Media-Law Conference, a unique gathering of publishers, reporters, judges, attorneys, and other media personnel, in Orlando.

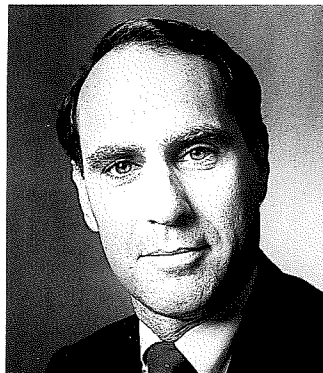
'70

Kirby Moncrief, after 25 years of practice, was appointed as a Circuit Judge of the Eighteenth Judicial Circuit, effective October 2, 1995, by Governor Lawton Chiles.

'72

Willie E. Gary, Senior Partner of the Stuart firm of Gary, Williams, Parenti, Finney, Lewis & McManus, is the 1996 recipient of the Judge Michael E. Gersten Edition of the Learned Hand Award from the American Jewish Committee. Gary was nominated by the AJC's South Central Florida Area chapter for his diligence and perseverance in founding and building a prosperous enterprise.

'73



John Marshall Kest of Wooten, Honeywell and Kest, P.A., Orlando, was the recipient of The Florida Bar President's Pro Bono Service Award for the Ninth Judicial Circuit. He also was recognized by the Orange County Citizen's Commission for Children as a finalist for their 1996 Children Must Count Award.

'74

William S. Burns, Jr. has joined the

firm of Pajcic & Pajcic, P.A., with offices located at One Independent Dr., Suite 1900, Jacksonville, FL 32202, phone (904) 358-8881.

George S. Reynolds III, administrative judge of the Family Law Division for Leon County, has co-authored "The New Family Law Rules—What You Must Know" in *The Florida Bar Journal*, February 1996.

Bruce M. Stone, of Holland & Knight, Miami, presented a lecture on Ethical and Other Pitfalls to Avoid in Charitable Planning at the recent session in Orlando on Charitable Planning for Florida's Future, sponsored by The Florida Bar Continuing Legal Education Committee and the Real Property, Probate and Trust Law Section.

Rayford H. Taylor has been named Chair of the Practice Management and Development Section of The Florida Bar. He is a shareholder of Stiles, Taylor & Metzler, P.A., and manages the firm's Tallahassee office.

George E. Tragos, Clearwater, spoke on Entrapment in Governmental Stings at the recent Money Laundering, Forfeiture, Off-Shore Investments, Wealth Law, the Caribbean, Latin-American International Crimes Conference in Miami, sponsored by the Center for International Financial Crimes Studies at the University of Florida. The conference was simultaneously translated from English to Spanish.

'75

Michael A. Currea has been elected to serve as president of the Colombian-American Bar Association (COLBAR) for 1996-97. Anyone interested in information about this association of attorneys, judges and law students may contact Currea at his law offices at 1200 N.W. 78th Ave., Suite 512, Miami, FL 33126, phone (305) 470-9731.

H. Bishop Dansby, executive director of the GIS Law & Policy Institute in Harrisonburg, Virginia, participated in a seminar in Santiago, Chile, related to a project sponsored by the Chile Ministry of Economics on "The Efficient Distribution of Public Resources in the Geographic Information Sector."

Sidney L. Matthew, of Gorman and Matthew, P.A., Tallahassee, recently published a book, *The Life and Times of Bobby Jones*, on golf's only grand-slam winner. Matthew is the leading histo-

rian on Jones.

Patricia A. Renovitch of Oertel, Hoffman, Fernandez & Cole, P.A., joined FSU Law graduates Gary J. Anton of Stowell Anton & Kraemer, Michael Mattimore of Hogg Allen, Norton & Blue, P.A., and Lucille E. Turner of Carson & Adkins, all Tallahassee firms, in presenting a one-day seminar in Tallahassee entitled Employment & Labor Law in Florida. The for-credit course was designed to assist personnel and industrial relations professionals, business owners or managers in recognizing the current labor and employment law issues of the nineties.

'76

Robert W. Wells, Jr., a shareholder in the Miami office of Popham Haik, has authored an article on environmental law entitled "Without 'Rebecca,' Cost-Effective Environmental Cleanup Is an Oxymoron at Florida's Petroleum Contamination Sites" in *The Florida Bar Journal*, February 1996.

'77

James O. Cunningham, of the Or-

lando firm of Billings, Cunningham, Morgan & Boatright, was elected President of the Central Florida Chapter of the American Board of Trial Advocates for 1995-1996.

Debra Weiss Goodstone has been named managing partner of the 24-lawyer firm of Zack, Sparber, Kosnitsky, Spratt & Brooks. Offices are located at One International Place, 100 S.E. Second Street, Suite 2800, Miami, FL 33131. Goodstone, who has a general civil practice in both transactional and litigation work, is a member of the firm's board of directors.

Diane K. Kiesling, of the Florida Public Service Commission, was named to the board of the directors of the National Association of Regulatory Utility Commissioners' National Regulatory Research Institute.

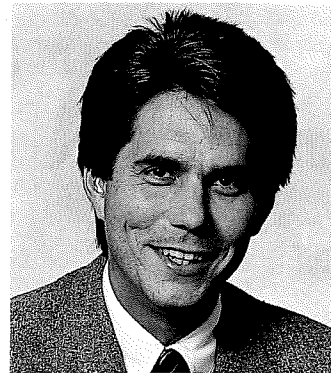
Thomas L. Powell has announced the opening of his office at 522 East Park Ave., Tallahassee, FL 32301, (904) 224-1452. He will continue his practice in the areas of family law, criminal defense, personal injury, discrimination and malpractice. Powell is president of the Florida Association of Criminal Defense Lawyers and has been appointed to the Florida Sentencing Guidelines Commission.

Drucilla E. Bell, '75, Will Teach Law in Estonia

Beginning in September, Drucilla Bell will be teaching Comparative Legal Systems and Introduction to Legal Terminology at Concordia International University - Estonia, College of Law, in the capital city of Tallinn.

A trip to the Soviet Union in 1984 transformed the career interests of Bell, who had been working as an assistant general counsel in various state agencies in Tallahassee. She studied Russian language and diplomatic history at FSU and began extensive travel in Europe and the former Soviet Union—for both business and pleasure.

Since 1989, Bell's Seminole, Florida, practice has emphasized business transactions and related immigration matters, including working with governmental agencies and regulations. Besides successful efforts to document commercial agreements for some large joint ventures, Bell has formed U.S. corporations for a number of foreign entities and negotiated permits to allow their executives to travel freely in order to operate both here and abroad.



Christopher J. Weiss, a shareholder with the Orlando-based firm Maguire, Voorhis & Wells, P.A., has been elected to serve on the board of directors of Liberty Counsel, a nonprofit organization dedicated to supporting First Amendment rights and religious freedom.

'78



Teresa J. Sopp has announced the relocation of her offices to 211 N. Liberty St., Suite Two, Jacksonville, FL 32202-2800, phone (904) 350-6677.

'79

William G. Capko has joined the firm of Edwards & Angell. He concentrates his practice in the areas of municipal finance and governmental law. His office is located at 250 Royal Palm Way, Suite 300, Palm Beach, FL 33480, phone (407) 833-7700.

Charles L. Early, Jr., Commander of the 707th Airlift Squadron, Charleston Air Force Base, South Carolina, and a shareholder of Taylor and Early, P.A., DeLand, was recently promoted to full Colonel in the U.S. Air Force Reserve.

Alumni Commended for Pro Bono Service

Four College of Law alumni were among the 1996 recipients of The Florida Bar President's Pro Bono Service Awards, recognizing individual legal service in each of the state's judicial circuits. The honorees include Robert A. Mick (Second Judicial Circuit), Cary A. Hardee II (Third John Marshall Kest (Ninth), and Cynthia Cox (Nineteenth). The names were announced in conjunction with the Tobias Simon Pro Bono Award ceremonies.

Mick '73 is credited for working actively for many years through the Tallahassee Bar Association Legal Aid Program and Legal Services of North Florida. He also has volunteered his services through his church and the Leon County Public Guardian Program. After practicing law for 23 years, Mick recently announced his retirement as a senior partner in the Tallahassee firm of Henry, Buchanan, Mick & Hudson to enter the seminary at Duke Divinity School. It was through his practice of eminent domain and family law, and particularly his pro bono service, said Mick, that he had the opportunity to realize where his true interest lay. After completing the three-year seminary program,

he hopes to join the United Methodist Church of Florida's ministry.

Madison general practice attorney Hardee '71 has donated many hours of free legal services to area families and children in need. He was recognized for investing long hours in a number of cases, and one in particular involving a couple facing difficulties with a child protection worker.

Kest '73, a partner in the Orlando firm of Wooten Honeywell & Kest, was cited for his extensive work in behalf of children. He has participated in the Guardian Ad Litem program for many years, assisting with policy development and training other GALs in addition to advocating for the interests of more than 75 children. His principal practice area is civil trial litigation.

Vero Beach attorney Cox '86 has been donating family law services through Florida Rural Legal Services, Inc. A Court-Certified Family Mediator, a Guardian Ad Litem, and a liaison between The Bar and the Domestic Violence Task Force, Cox also is involved with various community and school activities to introduce students to the law.

'81

Gary J. Anton of Stowell Anton & Kraemer, and **Michael Mattimore** of Hogg Allen, Norton & Blue, P.A., joined FSU Law graduates Patricia A. Renovitch of Oertel, Hoffman, Fernandez & Cole, P.A., and Lucille E. Turner of Carson & Adkins, all Tallahassee firms, in presenting a one-day seminar in Tallahassee entitled Employment & Labor Law in Florida. The for-credit course was designed to assist personnel and industrial relations professionals, business owners or managers in recognizing the current labor and employment law issues of the nineties.

'82

Anthony E. DiResta has been named Director of the Federal Trade Commission's Regional Office in Atlanta. The appointment was announced by FTC Chairman Robert Pitofsky.

Rep. Steven Geller has been appointed to serve on the Executive Committee of the National Conference of Insurance Legislators and as chair of the Workers' Compensation Committee in the Florida House of Representatives.

Robert W. Goldman, of Goodman, Breene Lile & Goldman, P.A., Naples,

gave welcoming remarks at the recent session in Orlando on Charitable Planning for Florida's Future, sponsored by The Florida Bar Continuing Legal Education Committee and the Real Property, Probate and Trust Law Section. Goldman is Chair-elect of the Section and was program chair.

'83

Terry Meek, of Terry Meek & Associates, Tallahassee, is one of 38 "community heroes" who will carry the Olympic Torch when it comes through Tallahassee on July 2. She has a master's degree in deaf education and often represents hearing impaired clients.

R. Andrew Rock has joined the firm of Rudnick & Wolfe in their offices at 101 E. Kennedy Blvd., Suite 2000, Tampa, FL 33602, phone (813) 229-2111.

'85

David S. Oliver has been named an equity partner in Honigman, Miller, Schwartz and Cohn, 390 South Orange Ave., Suite 1300, Orlando 32802, phone (407) 648-0300.

Gregory P. Sreenan has become a shareholder with Fowler, White, Burnett, Hurley, Banick & Strick. His office is at 100 Southeast Second St., 17th floor, Miami, FL 33131, phone (305) 789-9200.

Lucille E. Turner of Carson & Adkins, joined FSU Law graduates Gary J. Anton of Stowell Anton & Kraemer, Michael Mattimore of Hogg Allen, Norton & Blue, P.A., and Patricia A. Renovitch of Oertel, Hoffman, Fernandez & Cole, P.A., all Tallahassee firms, in presenting a one-day seminar in Tallahassee entitled Employment & Labor Law in Florida. The for-credit course was designed to assist personnel and industrial relations professionals, business owners or managers in recognizing the current labor and employment law issues of the nineties.

'86

Robert N. Clarke, Jr., of Ausley & McMullen, Tallahassee, was selected for Leadership Florida, Class XIV. Leadership Florida is sponsored by the Florida Chamber of Commerce.

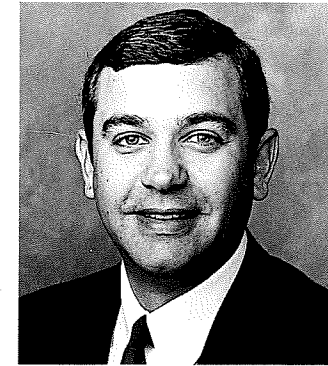
Cynthia L. Cox of Cynthia L. Cox, P.A., Vero Beach, recently received The Florida Bar President's Pro Bono Award for the 19th Judicial Circuit. She was recognized for her activities as a guardian ad litem and promoting children's rights and advocacy and for service on The Florida Bar's Fee Arbitration Committee, the Family Law Committees of Needs of Children and Support Issues, and as chairman of VNA Hospice. Cox concentrates in family, personal injury and corporate law and is certified by the Supreme Court as a family law mediator.

Refik W. Eler has changed the name of his firm from Tassone & Eler to Tassone, Eler, Kuritz & Till. Offices remain at 1833 Atlantic Blvd., Jacksonville, FL 32207.

Tony Griffith has become a partner in

the firm of Tanney, Forde, Eno & Tanney, P.A., now known as Tanney, Eno, Tanney, Griffith & Ingram, P.A., 2454 McMullen Booth Rd., Suite 501-A, Clearwater, FL 34619, phone (813) 726-4781.

'87



Samuel J. Ard has joined the law firm of Oertel, Hoffman, Fernandez & Cole, P.A. He will coordinate governmental affairs activities for the firm. His office is located at 2700 Blair Stone Road, Suite C, Tallahassee, FL 32301, phone (904) 877-0099.

'88

Jack K. McMullen has become a partner in Gray, Harris & Robinson, P.A. His office is located at 210 East Pine St., Orlando, FL 32801, phone (407) 843-8880.

James L. Soltis has been named Research Supervisor for the West Michigan office of the Michigan Court of Appeals. Soltis recently developed and implemented a pilot settlement conference program using mediation and facilitative techniques to settle appellate cases. His office is located at 350 Ottawa N.W., Grand Rapids, MI 49503, phone (616) 456-1272.

'89

Gregory A. Hearing, has been named to the Executive Council of the Practice Management and Development Section of The Florida Bar. He is a partner at Thompson, Sizemore & Gonzalez, P.A., in Tampa.

Susan Tassell Spradley has become a partner in Gray, Harris & Robinson, P.A. Her office is located at 210 East Pine St., Orlando, FL 32801, phone (407) 843-8880.

Carolyn W. West announces the re-

cent opening of her law offices at International Place, 100 Southeast Second Street, Suite 2700, Miami, FL 33131, phone (305) 374-7441.

'90

Grayling E. Brannon has announced his association with Bivens, Jones, Brannon & Associates, with law offices in Jacksonville and Orange Park. His office is located at 1103 Laura St., N., phone (904) 358-9151.

John H. Foote is now associated with the firm of Fonvielle & Hinkle, with offices at Building A, 3375 Capital Circle, N.E., Tallahassee, FL, phone (904) 422-7773.

Rafael Gonzalez was recently elected to the board of directors of the Florida Workers' Advocates and spoke at the Florida Judges of Compensation Claims Educational conference at the Florida Bar mid-year meeting on Social Security Considerations in Workers' Compensation Permanent Total Disability Adjudications. He also spoke at the Florida Bar Public Interest Section's Social Security Disability Seminar in Miami and Tampa. Gonzalez is a partner in the firm of Barrs, Williamson, Stolberg, Townsend & Gonzalez, P.A., whose new location is 601 North Franklin St., Fourth Floor, Tampa, FL 33602.

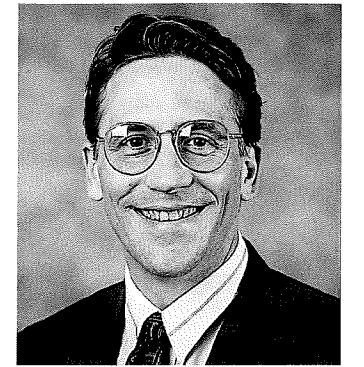
Jonathan E. Gopman, of Eckert Seamans Cherin & Mellott, Boca Raton, co-authored two articles with FSU Law graduate Stefan R. Latorre: "Revenue Procedure 95-10: Classification Guidelines for Domestic and Foreign LLCs" in the winter *International Tax Journal*, and "Grantor Trusts Offer Opportunity to Accomplish Tax-Free Gift," in the October *Trusts and Estates*.

Dilip Patel, of Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., in Tampa, was elected secretary of the Central Florida Chapter of the American Immigration Lawyers Association.

'91

David W. Adams and **J. Jeffrey Wahlen** were recently elected shareholders in the firm of Macfarlane Ausley Ferguson & McMullen, with offices in Tampa, Tallahassee, and Clearwater.

Michael A. Kliner has been appointed an of counsel attorney in the litigation department of Maguire, Voorhis &



Wells, P.A. He will practice in the areas of insurance and medical malpractice defense. He will be in the office at 2804 Remington Green Circle, Suite 4, Tallahassee, FL 32308, phone 386-6060.

Stefan R. Latorre, of Culp Elliott & Carpenter, P.L.L.C., Charlotte, North Carolina, co-authored two articles with FSU Law graduate Jonathan E. Gopman: "Revenue Procedure 95-10: Classification Guidelines for Domestic and Foreign LLCs" in the winter *International Tax Journal*, and "Grantor Trusts Offer Opportunity to Accomplish Tax-Free Gift," in the October *Trusts and Estates*.

Michele R. Plante has joined Walt Disney World Co. in Government Relations. Her address is P.O. Box 10000, Lake Buena Vista, FL 32830-1000, phone (407) 934-6247.

'92

Michael P. Bruyere, of Ausley & McMullen, Tallahassee, was re-elected to serve for two more years in the Board of Governors Young Lawyers Division, representing the Second Judicial Circuit. Bruyere recently presented a resolution before the General Assembly of the ABA Young Lawyers Division urging state and federal legislatures and judicial officials to support the establishment of courthouse waiting rooms for children. The resolution passed overwhelmingly.

George L. Fernandez, of Wolpe, Leibowitz & Brotman, Miami, co-presented a talk on "Informed Consent and the Florida Medical Consent Law" at a recent Mercy Hospital Risk Management Seminar.

Marjorie C. Makar, of Smith Hulsey & Busey in Jacksonville, has authored "Nursing in Florida: The Path to Professional Responsibility," in *The Florida*

Bar Journal (March 1996). A registered nurse as well as an attorney, Makar's practice includes medical malpractice litigation and health law.

Lorraine Rimson has opened an office at 821 Second Ave., Suite 2100, Seattle, WA 98104, phone (207) 223-1661.

Darlene de Guzman Sapiera is working as an attorney in civil litigation defense for Cole, Stone & Stoudemire, P.A. Her office is located at 76 South Laura Street, Suite 1700, Jacksonville,

FL 32202, telephone (904) 353-9664.

Anis N. Saleh has become a shareholder in the firm of Zyne, Saleeby & Saleh, P.A., concentrating in the area of immigration and nationality law. Offices are at SunTrust International Center, One S.E. Third Ave., Suite 2150, Miami 33131, phone (305) 379-2661.

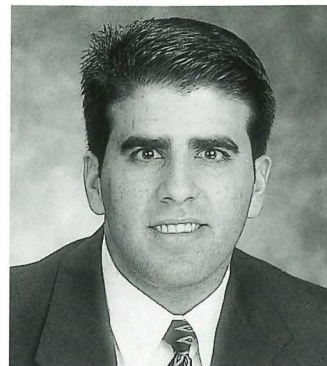
Lori A. Waslingham Smith, a litigation associate in the Orlando firm of Zimmerman, Shuffield, Kiser & Sutcliffe, P.A., has been appointed to

the board of directors of the Orlando Chapter of Executive Women International to serve as Director-at-Large and Chairman of the Philanthropy Committee.

'93

Eucharia E. Nnadi-Okolo has been named Dean of Howard University College of Pharmacy.

Richard R. Kuritz has joined the partnership of Tassone, Eler, Kuritz & Till. His new office is located at 1833 Atlantic Blvd., Jacksonville, FL 32207, phone (904) 0924.



and commercial litigation with a focus on franchise litigation. The office is located at NationsBank Tower at International Place, 100 S.E. Second Street, 27th Floor, Miami, FL 33131, phone (305) 374-5418.

Robert A. Bass announces his association with Myers & Forehand, 402-B North Office Plaza Drive, Tallahassee, FL 32301, phone (904) 878-6404.

Jacqueline L. Blanton announces her association with the firm of McConaughay, Roland, Maida & Cherr, P.A., in their offices located at 1800 Second St., Suite 954, Sarasota, FL 34236, phone (941) 955-6141.

Robert A. Boyd, II, has relocated to Hollywood, California, and is an assistant to the vice president of Hollywood Center Studios. His address is 1415 Venice Blvd., Apt. 307, Venice, CA 90291, phone (310) 398-5020.

John W. Gray, II, announces the location of his office at 906 Thomasville Rd., Tallahassee, phone (904) 566-7792. His practice focuses on criminal defense, personal injury and civil litigation.

Edward M. Koch has joined the firm of Leonard, Tillery & Sciolla. His office is located at 1515 Market Street, 18th Floor, Philadelphia, PA 19102, phone (215) 567-1530.

Daniel E. Manausa has become an associate with Smith Thompson & Shaw, P.A., with an office at 3520 Thomasville Rd., Tallahassee, FL 32308, phone (904) 893-4105.

Elaine Rush Johansen has established a private alternative dispute resolution firm, Options in Dispute Resolution, with offices at 1028 East Park Ave, Tallahassee, 32301, phone (904) 224-9525.

Lori A. Wellbaum has become an associate in the Orlando law office of Adams, Hill, Reis, Adams, Hall & Shieffelin.



Julie A. Koehne has joined the law firm of Butler, Burnette & Pappas. Her office is located at Bayport Plaza, Suite 1100, 6200 Courtney Campbell Causeway, Tampa, FL 33607-5946, phone (813) 281-1900.

'94

Christina M. Diaz-Gonzalez announces the establishment of Diaz-Gonzalez & Rembold, P.A., with offices at 815 N.W. 57th Ave., Suite 445, Miami, FL 33126, phone (305) 262-3734. The firm will specialize in family and commercial litigation, including immigration and social benefit disputes.

Jack Platt has been named a partner in the firm of High, Stack, Lazenby, Palahach, Maxwell, Morgan & Platt. The firm specializes in personal injury law. His office is located at 525 Strawbridge Ave., Melbourne, FL 32901, phone (407) 725-5525.

'95

Omar J. Arcia has joined the firm of Zarco & Associates, P.A., as an associate. He will concentrate on general



Mark Ellis '84 leads ABA efforts for law reform in the former Yugoslavia

Mark S. Ellis, '84, executive director of the American Bar Association's Central and East European Law Initiative (CEELI), has made several trips to the law school in Sarajevo in recent months, continuing an ABA effort toward legal reform in the former Yugoslavia. One purpose of CEELI is to help the former Communist countries in the region develop Westernized legal systems. CEELI has sent books and periodicals and sponsored workshops and legal clinics by a number of U.S. law professors to strengthen both the subject matter and methodology of legal education.

Although three new ethnic-based law schools have emerged in Bosnia since the 1991 war, the ethnically diverse Sarajevo law school is the only school receiving ABA support. Begun in 1946, the school, unfortunately, is now "a faded memory of its past glory," says Ellis, with about one half the faculty and one third the students of pre-1991 days.

Ellis knew pre-war Sarajevo well, having lived there as a Fulbright scholar from 1985-88, after completing law school. Although conditions in the city have improved somewhat in recent months and there is less tension, he and others are doubtful that, without the degree of ethnic cooperation that existed in the past, Sarajevo can reclaim its former status.

Elinor Hill '75 is appointed Inspector General at the Pentagon



Moving into the job of Inspector General of the Department of Defense seemed like a natural step for Eleanor Hill '75. Since 1982, she had served as a chief counsel for the Senate Permanent Subcommittee on Investigations, and as staff director since 1986.

One of the biggest differences, says Hill, is in the size of her staff. "The Department of Defense is a massive organization, almost like a world unto itself. It encompasses so many people and so many activities."

Her duties are quite a bit broader now, too. "I was used to handling investigations," Hill says, "but we also oversee audits and have a role in developing policy." Hill describes her position as "a catch-all," that has among its many responsibilities to help the Department identify and prevent waste, fraud and abuse.

"There's a definite difference in perspective here," says Hill. She noted that while the Congress tends to take a broader view of issues, at DOD the instinctive focus must be on the interests of the Department.

As Inspector General, Hill is in a unique position of reporting to the Secretary of Defense and to the Congress. She adds that her long association working with Congress helped make the transition, including her confirmation hearings, a comfortable one.

DATES TO REMEMBER

Reception Honoring John Frost, II
ABA Annual Meeting, Aug. 5, Orlando

College of Law Alumni Weekend
Oct. 25-26, Tallahassee

Litigation CLE Seminar
Nov. 8, Orlando (Alumni reception to follow)

FACULTY NOTES

April Cherry served on a panel for "The Future of Feminist Legal Theory: Where Do We Go from Here?," at a March conference at the University of Wisconsin at Madison. Her article, "A Feminist Understanding of Sex-Selective Abortion: Solely a Matter of Choice," has been published in the *Wisconsin Women's Law Journal*.

Charles Ehrhardt's widely used text *Florida Evidence* (West) is available in a new edition for 1996. Other publications include "Child Sexual Abuse Prosecutions: Admitting Out-of-Court Statements of Child Victims and Witnesses in Louisiana," with Ryon McCabe, in *Southern University Law Review* (Fall 1995), and "Using Leading Questions During Direct Examination," with Stephanie J. Young, in *Florida State University Law Review* (Fall 1995). In late March Ehrhardt presented Continuing Legal Education programs for The Florida Bar entitled "1996 Advanced Evidence Seminar: How to Get it in, How to Keep it Out" in Miami and Tampa.

Elwin Griffith, director of the Caribbean Law Institute (CLI), saw his efforts to harmonize commercial laws among Caribbean nations reach another milestone as the legislatures of Trinidad, Tobago, and Antigua recently passed the Companies Act, developed by CLI.

Randall Kennedy, Returning Tobias Simon Chair Visiting Scholar, wrote recently in *The New Republic* (January 1, 1996) on the relative merits of revising laws regarding punishing offenders for possession of crack and powder cocaine. Kennedy appeared on the CBS news magazine show *60 Minutes* in February discussing the practice of racial jury nullification and the suggestion by some black attorneys that blacks should acquit other blacks of certain non violent crimes regardless of guilt or innocence.

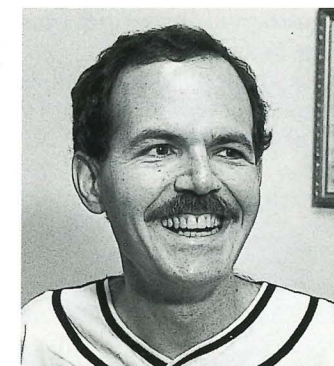
John Larson's seminal work on Florida partnerships, entitled "Florida's New Partnership Law: The Revised Uniform Partnership Act and Limited Liability Partnerships," has appeared in *Florida State University Law Review* (Fall 1995).

Sylvia Lazos is the author of "Florida's Property Rights Act: A Political Quick Fix Results in a Mixed Bag of Tricks," which appeared in *Florida State University Law Review* (Fall 1995).

Jarret C. Oeltjen is the author of the 1996 *Pocket Parts* to Volumes 1, 1A and 2 of *West's Florida Statutes Annotated Uniform Commercial Code Forms*. He also made a presentation in January to the National Association of Pawn Brokers annual convention in Dallas, Texas.

David F. Powell presented a talk on The Basics of Charitable Giving at the March 1 session in Orlando on Charitable Planning for Florida's Future, sponsored by The Florida Bar Continuing Legal Education Committee and the Real Property, Probate and Trust Law Section.

Lois Shepherd's article: "Sophie's Choices: Medical and Legal Responses to Suffering," will be published in a forthcoming issue of the *Notre Dame Law Review*.



Nat Stern's article on "The Constitutionalization of Rule 10b-5" appeared in *Rutgers Law Journal* (Fall 1995)

Dean Donald J. Weidner made a presentation entitled "Florida's New Partnership Law" to the Palm Beach Tax Institute in February. He also published "RUPA and Fiduciary Duty: The Texture of Relationship," in a recent *Duke University Journal of Law and Contemporary Problems*. The article is part of a Symposium on the Revised Uniform Partnership Act for which the dean was the Reporter.

Claudia Wright, formerly a clinical professor at the College of Law's Children's Advocacy Center, has opened offices at 211 Liberty St., Suite Two, Jacksonville, FL 32202, phone (904) 356-4004. Her practice concentrates in the area of juvenile law.



Pat Dore, Steve Goldstein honored in professorship ceremonies

In separate ceremonies held this spring, the College of Law helped to commemorate two of its most beloved faculty members by dedicating professorships in their names.

Pat Dore, who died in December 1991, was remembered at a gathering held April 25 to commemorate the endowment of the Patricia A. Dore Professor in Florida Administrative Law and to announce the first Dore Professor.

Goldstein, who died in November 1994, was remembered in a March 4 ceremony to acknowledge the Steven M. Goldstein Public Interest Professorship established in his honor by The Florida Bar Foundation.

Vivian Garfein '82, one of the leaders of the drive to establish the Dore Professorship, thanked The Florida Bar's Administrative Law Section executive council and others whose gifts helped support the endowment. Said Garfein, the professorship would both honor Dore's memory and perpetuate her work in administrative law. Dore, who began teaching at the College of Law in 1970, may be best remembered for her important contribution to Article 1 of the Florida Constitution, known as the privacy amendment.

Others speaking at the ceremony included Linda Rigot, chair of the Administrative Law Section of The Florida Bar, and Bob Rhodes, a partner with Steel Hector & Davis, Tallahassee, who introduced the first Dore Professor, Jim Rossi, as someone who would not only "carry on the work of Pat Dore, but who also is engaged with Florida lawyers active in administrative law."

In accepting the title of Pat Dore Professor, Rossi said he welcomed the opportunity to honor a great tradition. "Pat served as an APA authority to students, attorneys and the general public. She was a critic as well as confidant to the Legislature."

Rossi, an Assistant Professor who joined



Vivian Garfein unveils a portrait of College of Law Professor Patricia Dore at an April ceremony in the law school's Rotunda. At right, the first Pat Dore Professor, Jim Rossi, accepts the honor.



Van Nortwick called Goldstein, his long-time friend, the "conscience and challenger" of the Foundation, on whose board both had served. He noted that in searching for a recipient, FSU must be looking for "someone with an 'S' on his or her chest." Said Van Nortwick, "The Goldstein

the faculty in 1995, received law degrees from University of Iowa College of Law (J.D., 1991) and Yale Law School (LL.M., 1994). In addition to Florida Administrative Procedure he teaches Environmental Law, Antitrust and Torts. He has authored a number of articles focusing on electric utility regulation.

Among the speakers at the ceremony honoring Steve Goldstein were FSU President and former College of Law dean Talbot "Sandy" D'Alemberte; law student Angela Williams, a recipient of a Florida Bar Foundation scholarship; and First District Court of Appeal Judge William Van Nortwick, a former officer of The Florida Bar Foundation.

professorship uniquely requires that the professor filling the chair devote a substantial amount of his or her time to public interest law serving the poor—that is, in the active practice of public interest law, not simply teaching and writing. Thus, the grant is directly related to increasing legal assistance to the poor."

In addition to helping the poor, Van Nortwick said the Foundation hoped the Goldstein Professor would serve as an inspiration to students to provide legal assistance. "We believe that Steve Goldstein, through his actions and relationships with law students, constantly served as a role model for pro bono public service. Whoever fills the Goldstein chair can do no less." ♦



First District Court of Appeal Judge William Van Nortwick (left) recalls the impact of the late College of Law Professor Steven Goldstein. Angela Williams (right) accepts a Florida Bar Foundation scholarship.

Tallahassee firm of Fonvielle & Hinkle establishes a professorship

The Tallahassee law firm of Fonvielle & Hinkle has announced its commitment to establish a professorship at the FSU College of Law. The firm's \$100,000 gift, to be made over a five-year period, will be matched by \$50,000 in state funds.

David Fonvielle and Don Hinkle, the firm's partners, are alumni of the College of Law. Fonvielle is a 1972 graduate while Hinkle graduated in 1980. The firm specializes in plaintiffs' personal injury litigation.

Fonvielle, who serves on the College of Law's Alumni Board of Directors and the Board of Visitors, considers the gift a means of "paying back" the law school for his education. "We thank God for the professional success we have been blessed with and are pleased to give back to the University which gave us the foundation in the law we needed to become effective trial advocates for our clients," he said.

According to College of Law Dean Donald Weidner, the professorship, to be named the Fonvielle & Hinkle Professor of Litigation, marks a milestone in the law school's fund raising efforts. "This is the first professorship established by a Tallahassee firm," Weidner says, noting that nearly 30 percent of the law school's

alumni live in the Tallahassee-Leon County area. "This is an important leadership gift from a firm that has supported us over the years. It allows the law school to provide continuing incentive and recognition for outstanding faculty."

For Hinkle, the gift represents ongoing involvement in FSU. "I considered myself an activist while I was in college, both as an undergraduate and as a law student. I'd like to think this extends that involvement by helping future law students." While he was a student in the 1970s, Hinkle was active in organizing the student consumer advocacy group, the Florida Public Interest Research Group (FPIRG). For as long as he can remember, he has wanted to be a plaintiffs' personal injury attorney, Hinkle says. As a law student he founded a student chapter of the Association of Trial Lawyers of America.

Fonvielle said he hopes his firm's gift will prompt other firms to make a commitment to the College. "In addition to



Don Hinkle (left) and David Fonvielle

us, there are many attorneys who have enjoyed success as a result of their education at FSU. I encourage them to do what we've done for the College of Law."

Other FSU law school graduates in the firm include Paul Vazquez, William Garvin and John Foote. Garvin, a 1986 graduate, will serve as a volunteer adjunct instructor of litigation at the College this fall.

The Fonvielle & Hinkle pledge marks the eighth commitment to fund a professorship at the College of Law since 1992. ♦

Ball Chair lecture series brings top international law experts to college

When he accepted the position of Edward Ball Professor of Law at FSU in 1995, Richard Lillich made it a priority to establish an outstanding series of lectures by international authorities. "My idea was to present international law from a variety of perspectives, from practicing and government lawyers to academic and judicial experts," says Lillich, adding, "My hope is to build on our first-year efforts in the future."

In its first year under Lillich's guidance, the series brought some of the top international law minds to Tallahassee during the Spring 1996 semester. Speakers included John Crook, Assistant Legal Adviser for United Nations Affairs, U.S. Department of State, Frederic L. Kirgis, Visiting Woodruff Professor of International Law at the University of Georgia, Dr. Roger Hood of All Souls College, Oxford, and the Honorable Anthony R. Gubbay, chief justice of the Supreme Court of Zimbabwe.

Crook offered a practical view of having the U.S. government as a client. "Although the context is different from other areas of law, what we do is very similar to what all attorneys do." He made the point, however, that due to the breadth of political and cultural issues his office deals with, "our lawyers tend to be pretty cautious." Crook also discussed international law job opportunities with a number of federal agencies.

Kirgis, a widely published author in international law and former Dean of Washington & Lee Law School, presented an historical analysis of international law in the political arena. He examined the role of a number of secretaries of state and their impact on international law, warning about what he perceives as a recent lack of continuity in this nation's policy. Too often, he suggested, policy decisions



Edward Ball Professor of Law Richard Lillich with Zimbabwean Chief Justice Anthony Gubbay

are driven by political expediency with little regard for previous actions.

Roger Hood, director of the Centre for Criminological Research at Oxford and one of the leading criminologists in Great Britain, argued that the United States is out of step with other world democracies in its use of the death penalty. An opponent of the death penalty and an international expert in its history, Hood pointed out that while use of the death penalty is declining in most countries, it is on the increase in the United States.

In the final lecture of the series, An-

Zimbabwean Chief Justice Gubbay finds support for human rights in Africa

When Anthony Gubbay, chief justice of Zimbabwe's Supreme Court, told a College of Law audience that, "Human rights should be a practical reality for all people," he spoke from the heart. As a white man presiding over the high court of a nation of more than 99 percent non-whites, his belief in the legal protection of human dignity has been a major force not only in his own country, but throughout southern Africa.

thonny Gubbay, Zimbabwean Supreme Court Chief Justice, discussed the judiciary's responsibility in protecting human rights (see related story below).

During the 1996-1997 academic year, Lillich expects to expand the series, hoping to broaden the audience, drawing from the larger university community. He is also working with student editors to publish some of the lectures in FSU's *Journal of International Law & Policy*.

The lecture series is co-sponsored by the FSU International Law Society. ♦

Widely considered one of the foremost experts on human rights in the world, Gubbay was a speaker in the Edward Ball Chair lecture series in May.

Born and educated in England, Gubbay immigrated to Southern Rhodesia in 1958 to practice law. He quickly established a reputation as a defender of human rights, often representing the interests of black revolutionaries fighting against the minority white-controlled government. Al-

though Rhodesia had no official policy of apartheid such the one in South Africa, blacks lacked many basic rights of citizenship, including the right to vote. Gubbay appeared regularly before Rhodesian judicial tribunals arguing cases for liberation army members. Even as the political climate turned incendiary in 1959, when a state of emergency was declared, and again in 1961, when riots tore apart the former British colony, Gubbay continued to represent political dissidents.

"I represented several people charged with assisting the rebels in their efforts to join revolutionary groups in Mozambique and Zambia. This was an act punishable by death," he says. One of the cases Gubbay handled successfully involved the present Zimbabwean defense minister.

Despite opinions that often conflicted with the white Rhodesian government, Gubbay's keen legal mind was recognized when he was appointed judge on the High Court in 1977. He is one of only a handful of white judges whose appointments predate the transition of white-ruled Rhodesia to the new black-ruled state of Zimbabwe, a fact he attributes largely to his views on human rights and representation of dissidents. "Obviously, you would not expect Rhodesian judges who imposed the death penalty on rebels to remain on the bench," he says.

Gubbay admits some frustration at recent parliamentary overrulings of the Supreme Court's decisions, several involving corporal and capital punishment. "There is a tendency to legislate if the court rules a law to be unconstitutional. This is natural and not always for the worse," he says. The parliament has made a number of changes to the Zimbabwean Constitution's Declaration of Rights, some of which Gubbay disagrees with. "I believe, however, that declarations of rights that are developed indigenously will enjoy more support than those handed down by former colonial empires. My hope is that this will lead eventually to greater respect for those rights."

Gubbay remains a staunch defender of his country. "Zimbabwe is one of the most stable counties in Africa. Zimbabweans are a great people. For most of the whites living there, we find that color means very little. Most of us feel very comfortable." Adds Gubbay, "Most important for my country, I feel very comfortable in my role as a judge." ♦



FSU's national champion Mock Trial team. Back row: Coach Ruth Ezell, Patricia Uhrig, Keith Kyle and coach Dave Motes. Front: Ronetta Lewis and Lanitra Sanchez.

Mock Trial and Moot Court teams enjoy another banner year

Mock Trial team takes first in National ABA competition

In its most significant victory ever, the FSU College of Law's mock trial team won first place in the National Mock Trial Competition sponsored by the American Bar Association Criminal Justice Section.

Arguing a bribery case, four FSU students defeated 19 other teams invited to the Chicago competition, March 28-30. Topping off the victory, FSU team member Ronetta Lewis was named Best Trial Advocate during the competition.

Lewis and other FSU mock trial team members, Lanitra Sanchez, Keith Kyle and Patricia Uhrig, defeated Harvard Law School to advance to the semifinal round. They beat No. 1 seed John Marshall Law School (Chicago) in the semifinal and

Widener University College of Law (Pennsylvania) in the final.

Mock trial competition differs from moot court competition, in which students argue to have a verdict overturned. Here the students are given a packet of evidence with which to conduct a mock trial before a judge, with reviewers sitting in the jury box to judge their presentation.

The case on trial involved a state senator charged with official misconduct for accepting a bribe. In various rounds of the competition the students were required to switch roles. Lewis and Sanchez acted sometimes as the prosecution team, sometimes as the defense. In the final, winning round, Lewis and Sanchez won as prosecutors, with Kyle and Uhrig acting as witnesses.

The team's coach, visiting assistant professor Ruth Stone Ezell, called Lewis's performance "dynamite." *continues*

"I am extremely proud of these students and I think this victory signals the beginning of an era in which we will be as competitive nationally in trial competitions as we have been for years in appellate competitions," said Dean Don Weidner.

The FSU team members and coach Ezell gave up their spring break to practice for the Chicago event. They credited others in the community who worked with the team to help them prepare, including Tallahassee attorneys Carl Motes and Roosevelt Randolph, Assistant Attorney for the Northern District Thomas Kirwin, Leon County Judge Terry Lewis, and FSU visiting assistant professor Paolo Annino.

Said Kyle, "It's nice to have your hard work pay off, and we got excellent training."

As graduating third-year students, Kyle, Sanchez and Lewis will be leaving the College of Law on a high note. The double

'I think this [the ABA mock trial] victory signals the beginning of an era in which we will be as competitive nationally in trial competitions as we have been for years in appellate competitions.'

— Dean Don Weidner.

victory was especially sweet for Lewis, who is from Chicago. She said she is optimistic that winning Best Trial Advocate in her hometown will help in her job search.

Uhrig, the only second-year student on the team, will be back next year to defend FSU's crown.

The national championship was the crowning achievement to an overall success for the 1995-96 mock trial team.

In January, a mock trial team of Gene Shipley, April Kuntz, Tiffany Lorry and Candace Krause won first in its division at the Chester Bedell Mock Trial Competition in Orlando. A second team of Cleveland Ferguson III, Manny Papalas, Wendy Jerkins and Marla Butler came in second in its division. The teams argued the issue of vicarious liability, including whether a

restaurant is responsible for criminal actions off its premises and does it have a duty to protect an off-duty employee.

The mock trial team was co-champion, with a team from Stetson College of Law, at the American Trial Lawyers' Association Regional Mock Trial Competition, held March 2, in Orlando. FSU's Jennifer Beltz, Shannon Grim, Susan Neeley and Frank Wright defeated two Georgia State teams en route to a first place finish. A second FSU team of Holly Dincman, Marc Edelman, Candace Krause and April Kuntz took runner-up honors. The FSU teams were coached by Tallahassee attorney Carl Motes, an FSU law alumnus and Maguire, Voorhis & Wells partner.

Dean Don Weidner cited a number of alumni for their help in supporting the successful mock trial program. "That support has given this team the boost it needed to be competitive," Weidner said. "The assistance of people like Russ Bobo, Larry Beltz, Carl Motes and Bill Kirkland, as well as all others, both alumni and non-alumni, who have helped coach our students, gives the team the skill and confidence to put our mock trial program on the map."

Other attorneys who helped coach the team during the season were Gary Shipman, Harriet Williams, William Roland, Gordon Cherr, Carl Peterson, Robert Hinkle and Vinson Barrett.

The FSU Moot Court also continued its winning tradition during the spring, earning two national championships as well as state and regional victories.

A team of David Doyle and Jason McGrath took top team honors in the Whittier Law School National Juvenile Law Moot Court Competition in Los Angeles on March 2. Doyle and McGrath were runners-up in the Best Brief competition. Jennifer Parker-Lavia was the team's coach.

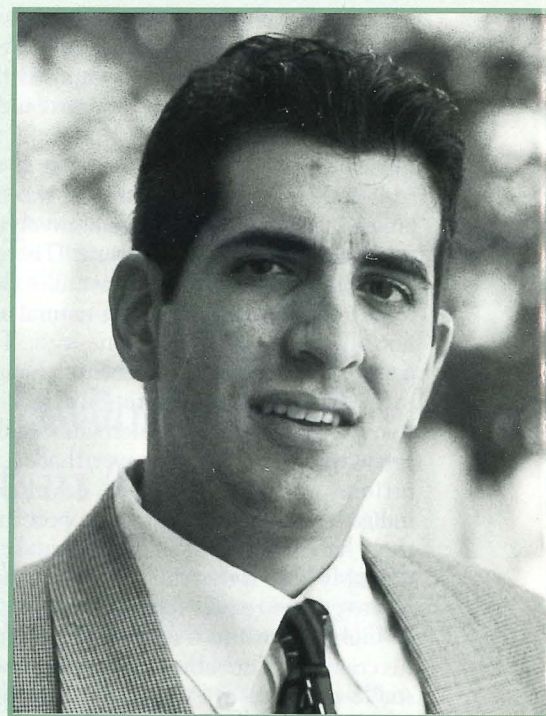
On February 24, a moot court team of Liz Hoskins and Kym Johnson placed second to the University of Florida at the National Telecommunications Moot Court Competition at Catholic University in Washington, D.C. Hoskins and Johnson won the Best Brief award while Hoskins was judged Best Oral Advocate. Law professor Mark Seidenfeld was the coach. ♦

Law school hosts national

The College of Law played host to some of the top environmental law experts in the country in January when it hosted the Ninth Annual National Association of Environmental Law Societies (NAELS) Conference. The College's *Journal of Land Use and Environmental Law* and the FSU Environmental Law Society sponsored the event.

According to Associate Dean Donna

RON CHRISTALDI: His intellectual curiosity leads environmental journal to new heights



By Margaret Barlow

environmental conference

Christie, "The conference was the biggest environmental meeting the law school has ever sponsored." She credited third-year student Ron Christaldi and Dean Don Weidner with helping bring the event to Tallahassee. While he was attending the 1995 NAELS conference in Boston, Christaldi, the 1995-96 editor of the *Journal of Land Use and Environmental Law*, discovered that the site for this year's event

Ron Christaldi will be leaving FSU this summer with not only a law degree but a masters in international affairs. The 1995-96 editor-in-chief of the *Journal of Land Use & Environmental Law* will be joining the Tampa firm of de la Parte, Gilbert & Bales. But considering that his wide-ranging interests include fiction writing, sports, and international history and politics (his long term goals include a Ph.D. in history), as well as environmental law, Christaldi's career will likely take some fascinating turns. He was attracted to the study of law as "an extension of the academic debate." Said Christaldi, "It trains you to be the most analytical you can be, also the best writer, the best reader, the best arguer, and the best oralist you can be." The study of international affairs, on the other hand, is something he pursued "not as a career objective, but because I like it."

The *Journal's* eleventh year has seen a number of successes under Christaldi's leadership. "I've watched it grow and even begin to flourish, to come into its own," he said. Building on the hard work and vision of his predecessors, and with what he calls "fantastic support" from the staff and executive board, they were the first group to publish the three yearly volumes on time.

"Staying competitive," is the name of the game, says Christaldi, who hopes to see the *Journal* online, along with abstracts of previously published articles, in the near future. A home page for the World Wide

Web is in the works. "We need to build on what we've done, to market the *Journal*, to make our presence grow along with environmental law."

The *Journal* has meant more to Christaldi than just long hours. "I got a lot out of it," he said, "relationships and opportunities for networking and forming friendships. It's a position that's allowed me to meet and work closely with some faculty members and others on a personal level, for example, Deans Christie, Weidner, and Witherspoon."

A few students, including Christaldi, were instrumental in the College of Law's hosting of the 1996 Conference of the National Association of Environmental Law Societies (NAELS). The conference brought some of the nation's foremost environmental experts and interested law students to Tallahassee. The three-day conference was co-sponsored by the *Journal* and the FSU Environmental Law Society, whose president, Lisa Harbison, co-chaired the event with Christaldi.

It was Christaldi who called Dean Weidner from a phone booth in Boston during the 1995 conference to ask about sponsoring the conference. With the dean's blessing, the FSU student contingent stayed up all night preparing a proposal to bring the conference to Tallahassee to present at a meeting the next day. "No doubt," said Christaldi, "the conference's January meeting date helped give us the edge."

Highlighting the conference were discussions of the rights of individual property owners and government responsibility to protect the environment. Panel discussions focused on such subjects as property rights, energy regulation, wetlands protection, and the impact of regulatory reform on environmental protection.

Environmental law experts participating in the program included Thomas Roberts, professor at the Wake Forest Univer-

sity law school; Wade Hopping, attorney for the firm of Hopping Green Sams & Smith; Donald Zillman, Dean of the University of Maine law school; Victoria Tschinkel, attorney with Landers & Parsons and former Secretary of the Florida Department of Environmental Regulation; Richard Lazarus, professor at the Washington University (St. Louis) law school; and Silvia Alderman, attorney with Katz, Kutter, Haigler, Alderman Bryant & Yon.

William Rodgers, University of Washington law professor and author of environ-

mentary law. "We came up with thirteen possible topics for panels—and ended up using all of them," said Christaldi, who acted as a "clearinghouse," and coordinated five of the panels. "Each panel had a chair, who selected the panel members."

The College and the organizers received high praise from those who attended. "The turnout was great," he said.

But that's past history now, and Christaldi is looking ahead to new challenges. "One of the best things about law school," he contends, "is learning how to be a well-rounded individual." Although he hopes to be able to use his expertise in environmental law, as a new member of a medium-size firm, he expects to be "a utility person," to gain exposure to different areas of the law.

It is anybody's guess what Ron Christaldi will be doing ten years from now. And that suits him just fine. ♦

continues

John Frost's remarks to December 1995 graduates of the College of Law

Good Afternoon, President D'Alemberte, Dean Weidner, distinguished faculty, parents, friends, and law graduates. It's a privilege to be here to congratulate the proud students and the proud survivors who are their families and loved ones.

You have made it through tight budgets, taut tempers, and time pressures. These law graduates are fortunate to have you as their support and comfort, and I'll bet they know it. I want to recognize each and every group or family that is here to celebrate such a fine collection of law graduates. But I also want to be sensitive to the necessities for political correctness that are currently a crucial focus in our society. To ensure that sensitivity, let me quote cartoonist Garry Trudeau, whose salutation to a Yale graduation gathering went something like this: "Good morning, distinguished faculty, parents, friends, law graduates, Secret Service agents, class agents, people of class, people of color, colorful people, people of height, the vertically constrained, people of hair, the differently coifed, the optically challenged, the temporarily Eurocentric, the Afrocentric, the Afrocentric with Eurail-passes, the eccentrically inclined, the sexually disinclined, people of sex, sexy people, sexist pigs, animal companions, friends of the earth, friends of the boss, the temporarily employed, the differently employed, the differently optioned, people with options, people with stock options, the deconstructionists, the home constructionists, the home boys, the homeless, the temporarily housed at home and, God save us, the permanently housed at home . . ."

In other words, I am honored to see each of you. Congratulations to you all. I know your feeling, having been both a law graduate and, in May of '94, the proud father of a daughter law graduate. You've worked hard and have earned this moment of very special recognition, but you also have some hard work ahead of you. You are probably feeling both the joy of accomplishment and the stress of facing the unknown factors in your future.

Although I don't know each of you, I can relieve the stress you may be feeling over how to find out what your best or most marketable talents will turn out to be. I can already guarantee you that there is one thing you can do better than anyone else: *That is, to be you.* Act on your own beliefs. Share your strengths. Be honest about your limitations. No one else can be

you. That's one market you will have all sewn up for the rest of your life.

Another commencement speaker whom I know, taught me this lesson: If they ask me in the next world, "Why were you not Abraham Lincoln?" I

will know the answer to that question. But if they ask me, "Why were you not John Frost?" Then I will have nothing to say. No one is telling you that you have to be Abraham Lincoln, although our nation and our profession could use such a person of character. But I am asking you to develop your own gifts fully and offer them to the worlds you will enter and to the families you have and will have.

I mentioned Abraham Lincoln because, in part, he was the kind of lawyer who provided our profession with a role model. You can add his kind of honesty, concern, and strength of character to your unique brand of professionalism. You are about to enter a world where lawyer jokes abound. But you want to be professionals worthy of respect and appreciation, not the source of jokes. You want to be effective advocates, able to make a difference.

In a moment I will talk more about how to become a noble part of a proud profession. But first I want to take a look at how you, as individuals, might begin to build the kind of character that will have you standing tall in your community and with your peers.

A college vice president in Michigan offered the following character-building plan. There are three C's that build character: *choices, confidence, and convictions.*

There are three ways to choose the roads you'll travel both personally and professionally; three ways to create a sound basis for choice: *follow your ethics, choose with courage, and pay attention to all the facets of the options from which you have to choose.*

The first factor to consider in making choices as you move into the legal professional world is your *standard of ethics.* Know the specific set of professional ethics that we, as lawyers, must uphold. But also develop your own personal ethics. Do you tell your colleagues that your word is your bond? Then be sure you always do what you say you will, even though technically or legally you might justify squirming out of an uncomfortable commitment. Follow your ethics.

Be daring. Make courageous choices. Take a risk once in a while, then be willing to take the consequences graciously if you fall on your face. Helen Keller said this about risk and courage: "*Safety does not exist in nature; nor do the children of men, as a whole, experience it. Trying to avoid risk is no safer in the long run than outright expo-*

sure. Life is either a daring adventure, or nothing." Keep the youthful spirit alive in yourself by thoughtfully choosing to risk occasionally.

The third element needed in making wise choices is *paying attention.* Learn to gather and analyze facts and information . . . They are your tools for making choices. Learn to step back from the pressure or emotion of a situation, to set your own time frame, to solicit advice from competent advisors. And then learn to choose.

Paying attention is one of the most important skills a lawyer can have. Television newswoman Diane Sawyer once said, "There is no substitute for paying attention." It is only through paying attention to our associates that we can learn what others expect of us, and assess whether we can deliver on that expectation. And it is only through paying attention to ourselves that we can assess our own desires, priorities and goals, and act on them.

Paying attention means developing a keen ability to listen, to hear what is being said, and to express back what you have heard. Paying attention also means learning to identify the unimportant in your life, and filter it out—so you're not distracted by minutiae while the major opportunities of life go by. Ask yourself: How keenly am I paying attention?

To make wise choices, follow your ethics, occasionally take risks, and learn to pay attention.

The second "C" in building character, after making wise choices, is building your own *confidence* and the confidence of those with whom you work. Eleanor Roosevelt once said, "*Nobody can make you feel inferior without your consent,*" and Eleanor was right.

Confidence comes from having goals, taking risks, holding to our convictions, and building up an arsenal of small successes — and failures. Our successes convince us that it is possible to succeed in the future. Our failures tell us it is possible to survive — and go on. Both are absolutely necessarily in developing that sense of assurance that, in the end, things are going to be OK. Ask yourself: How strong is my confidence?

Forming convictions is the third "C" in building character. Forming convictions is a natural outcome of the process we've been discussing. For if you recognize opportunities, make hard choices, develop, focus and exercise some daring, you will be living life to its fullest. And it is only through living life that you experience the joys, the sadness, the exhilaration, and the pain that come with reaping the consequences of your actions.

Convictions begin to form. You believe that education brings prosperity, and you strive to get the best one you can. And you did that here at Florida State University College of Law. You believe that drunk driving is dangerous, and you work to educate your neighbors about its perils.

D A T E S T O R E M E M B E R

Reception Honoring John Frost, II
ABA Annual Meeting, Aug. 5, Orlando

College of Law Alumni Weekend
Oct. 25-26, Tallahassee

Litigation CLE Seminar
Nov. 8, Orlando (Alumni reception to follow)

You believe that health care should be accessible to everyone, or the environment should be protected, or the homeless should have a place to sleep, and you are moved to do something about those societal issues. As your convictions grow, your contributions to society grow. Ask yourself: What are my convictions?

You are joining a profession that has an image problem. Lawyers, as a group, are not well liked right now, but you can help change that in some specific ways. *Plan now to be part of the solution, not part of the problem.*

Thousands and thousands of words have been written and spoken about the problem of the law profession: its performance, its ethics, and its image. Everyone is looking for a solution. What is the answer? Lawyers and professors, sociologists and students have made speeches, had late night arguments, and presented papers about lawyers' relationships with the public and with each other.

Maybe we are looking within a self-created maze that is too complex. Maybe the way to polish the public's image of lawyers and restore lawyers' respect for themselves and each other is to pursue some solutions that are really relatively simple. In fact, I think there may be a kernel of the solution in the lyrics that Tim Rice wrote for the film *The Lion King*.

In this film, a young lion finds himself, not totally unlike some of you, on the threshold of new respect from his group, and he can't wait. "I'm gonna be the ruler of everything around." he says, "Oh, I just can't wait to be king." He claims that he plans to "be a noble king," but his words show that he's not too sure how to do that yet. He says, "I'm brushing up on looking down" at his fellows. "Everywhere you look," he sings, "I'm standing in the spotlight." He's also looking forward to "Doing it all my way . . . kings don't need advice."

Well, law school may have already made it pretty clear that few of us can keep "looking down" at those around us for very long. But that's a good lesson to take with you into the practice of law. Do plan, like Simba, to be "noble" in your new position. But learn from his mistakes. Lawyers must look up to the high principles and standards of hard work that will best serve their clients, rather than ever "looking down" at anyone or any task that will help their communities, their clients, or that will establish them as honorable professionals with their fellow lawyers.

Don't be like the villainous, plotting "Scar," the lion who says blatantly, "My teeth and ambitions are bared." Be led by ideals that are still very much alive in the best of your colleagues. Develop a deep enthusiasm for the way you can make your clients' lives more secure or their difficulties more manageable. Be a problem-solver in controversies rather than escalating the conflict. Be the kind of professional who speaks and

writes with *carefully-considered words*, and is then willing to stick by them and thereby earn the trust and respect of client and opposition alike. Work to make life in your community better for all its citizens.

The situation may not be as complex as some (self-proclaimed) experts might suggest, but the solutions, though at times *simple*, are not *easy*. The famed "Circle of Life" song says it this way:

*From the day we arrive on the planet
and blinking, step into the sun,
there's more to be seen than can ever be seen,
more to do than can ever be done.*

You're about to arrive on the "planet" of the legal world. Don't just wade, unthinking, into the quagmire of a dog-eat-dog philosophy, grabbing your part of the profit pie, whatever it may cost you inside. It may be a jungle out there, and making professionalism and civility a more common practice may be "*more to do than can ever be done*" by just one person. But together as a class, as a new generation of legal professionals, there are specific things you can do.

The choices you make in your professional lives in the coming months and years will make a difference. Be assured of that. You are going to alter the public's perception of lawyers for good or ill. Make careful, responsible choices in dealing with clients, other lawyers, and your community.

In dealing with clients, whether they can afford to pay you or whether you serve them pro bono, be available to answer their concerns. Return their phone calls promptly. Carefully answer their questions. Speak and write in words they understand. Explain the system to them.

In dealing with other lawyers, be civil. Be gracious; try to accommodate other lawyers when it doesn't adversely affect your client. Schedule hearings with appropriate notice to the other side. When you give your word, stand by it as though the whole community will measure you by such honesty — because it will, and it should.

In your community, work in civic clubs that have aims which you believe in. Give your sweat to civic projects — don't just add your name to the membership roster. Make your voice heard in lawyer organizations. Speak up about what concerns you in the profession.

"The Circle of Life" summarizes, "*Some say eat or be eaten, some say live and let live,*" but for true professionals, there is a better way. What I am saying to you today is, *practice law with civility and honor, and we will again be known as part of an honorable profession.* To me, the most important line, and the creed for which to strive from "The Circle of Life" goes like this: "*you should never take more than you give.*"

There are some pretty tempting aspects of

the legal profession that may seem to be there for the "taking." You may want to take money. You may be planning right now to make a lot of it. You may need to take from your practice of law a boost for your own ego. If you are quick on your feet as a speaker, shrewd as a logician, and perceptive as a student of human nature, you may have what it takes to get a tremendous ego boost from winning legal battles.

However, any victory will be an empty victory if won at the expense of the client's peace of mind, fellow lawyers' respect, and the public's trust. The satisfaction that comes from working honorably as a professional may not be measurable in a swelled chest or a fatter wallet, but it is a vital reward in terms of what happens inside a person. The kind of satisfaction won by honorable, civil, self-giving behavior will have an effect beyond just the satisfaction you will feel as a lawyer. You will also create a new portrait of a lawyer in the minds of all the people with whom you work. Too many lawyers are not showing the public enough civility and unselfish concern.

"The Circle of Life" says, in lines that could possibly describe our future years as laborers in an embattled profession:

*Some of us will fall by the wayside,
and some of us will soar to the stars,
and some of us will sail through our troubles,
and some have to live with the scars.*

It's great to think that some of you will soar to the stars. *Go for it!* I believe you can. But whether you make a big or small splash in the business and legal world, be sure you live and work in ways that will remind everyone that you are part of a noble profession. Be sure you avoid any choices that will leave the rest of us "*living with scars*" of lost respect for lawyers.

A few months and years from now, maybe a few minutes from now and maybe even now, you may not remember much of this graduation talk. But whatever else you remember from this gathering, remember this. *Plan to give more than you take.* If you do that, you will receive rewards. You will gather the respect of your colleagues, the gratitude of your clients and communities, and the satisfaction of liking that person inside the character you see in the mirror. If you meet the needs of your clients and do honor to your profession, no matter what your own beginning status or position in the legal world, the profession will reward you and include you in its inner circle: that group of its finest and best respected members. The circle of the best of the best! Don't settle for less!

You should never take more than you give.
Congratulations again and thank you.